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House of Representatives

The House met at 9 a.m. and was called to order by the Speaker pro tempore [Mr. MCINNIS].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 29, 1996.

I hereby designate the Honorable SCOTT MCINNIS to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

From the rising of the Sun until the going down of the same, we offer our thanks and praise to You, O God, for Your gracious gifts of faith and hope and love. When we falter or fail, You lift us up; when we do justice and seek mercy, You encourage and make us whole. For all Your marvelous deeds, O God, that forgive us and point us in the way, we offer these words of gratitude and thanksgiving. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Nebraska [Mr. BARRETT] come forward and lead the House in the Pledge of Allegiance.

Mr. BARRETT of Nebraska led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

PERMISSION FOR SUNDRY COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TODAY DURING THE 5-MINUTE RULE

Mr. BARRETT of Nebraska. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole under the 5-minute rule: Committee on Banking and Financial Services, Committee on Commerce, Committee on Economic and Educational Opportunities, Committee on Government Reform and Oversight, Committee on International Relations, Committee on the Judiciary, Committee on National Security, Committee on Resources, Committee on Science, and Committee on Transportation and Infrastructure.

It is my understanding, Mr. Speaker, that the minority has been consulted and that there is no objection to these requests.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

AGRICULTURAL MARKET TRANSITION ACT

The SPEAKER pro tempore. Pursuant to House Resolution 366 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2854).

☐ 0903

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2854) to modify the operation of certain agricultural programs, with MR. HANSEN, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Wednesday, February 28, 1996, amendment No. 8 printed in House Report 104–463 offered by the gentleman from New York [Mr. BOEHLERT] had been designated.

Pursuant to the rule, the gentleman from New York [Mr. BOEHLERT] and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise this morning on behalf of America's farmers, on behalf of America's hunters and fishermen, and on behalf of the environment. What do the National Wildlife Federation, the American Farm Bureau, and the National Rifle Association all have in common?

They are all strong supporters of the Boehlert conservation amendment. Why have major agriculture and environmental organizations in the United States endorsed my conservation amendment? Because the conservation amendment before us is truly profarmer and proenvironment. Chairman ROBERTS, Chairman BARRETT, and Congressman PETERSON have all worked with me to craft a conservation title that provides American farmers with the resources they need to protect the environment that we all need. Every urban American and every rural American will benefit from this amendment.

Today, 51 percent of all privately owned lands in the United States are held by farmers and ranchers. If we are serious about improving the quality of America's rivers and lakes, and we darn well better be, if we are serious about preserving essential wildlife habitat, and we darn well better be, if we are serious about protecting our Nation's drinking water supplies, and, there is nothing more important than that, we have got to work with the American farmer.

Agricultural programs represent the single best opportunity for this Congress to make significant improvements in the quality of our environment. Best of all, we will be achieving these dramatic environmental improvements with voluntary incentive-based programs, programs strongly supported by the agriculture community.

The Boehlert-Roberts-Barrett-Peterson amendment builds on the proven success of the existing conservation reserve program and wetland reserve program. This conservation title also provides new resources and technical assistance for the management of nutrients and manure on America's farms. While providing significant conservation resources to America's farmers, this amendment achieves these conservation goals in a fiscally responsible manner.

This conservation title costs less than half of the $4.5 billion in the one passed by the Senate on February 7. The numbers tell the story. My conservation amendment costs $2.1 billion, while the Senate conservation title has been scored by the Congressional Budget Office at $4.5 billion. The Boehlert amendment makes agricultural, environmental, and fiscal sense.

The Senate and the administration have made it clear they will not support a farm bill absent a comprehensive conservation title. If this body can produce a comprehensive conservation title that has the support of farmers and sportsmen and environmentalists, we should do it.

In closing, I would like to read to you what the Natural Resources Defense Council, the Environmental Defense Fund, and Trout Unlimited are saying about my amendment, and I quote: ''We are pleased to support the amendment and urge all Members of the House to join in support.'' The American Farm Bureau, the National Grange, the National Milk Producers Federation, the National Corn Growers, the National Wheat Growers and the National Association of State Departments of Agriculture are all strongly supporting the Boehlert conservation amendment. I urge my colleagues to join me in supporting this pro-farmer, pro-environment amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. Does any Member seek time in opposition?

Mr. LIVINGSTON. Yes, Mr. Chairman, I do.

The CHAIRMAN pro tempore. Is the gentleman from Louisiana opposed to the amendment?

Mr. LIVINGSTON. Yes, Mr. Chairman, I am, and I seek time to express my opposition.

The CHAIRMAN pro tempore. The gentleman from Louisiana is recognized for 20 minutes.

Mr. LIVINGSTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Boehlert amendment actually doubles the impact of a provision in the existing bill that is before the House. I had intended to come to the floor in opposition to the existing provision. So let me double my opposition to the Boehlert amendment. Because what we are talking about here is a whole new entitlement. An entitlement which, if the Boehlert amendment is adopted, amounts to $1.4 billion of mandatory spending; $1.4 billion in taxpayers' dollars which will be spent at the same time that we in this Congress for the last 14 months have been working diligently to pare down the discretionary budget. At the same time that we are telling America how important it is to get entitlements under control and to get a leash on the entitlement portion of the budget, which represents two-thirds of the $1.6 trillion that this Federal Government spends every single year.

At the same time that we are saying we cannot get President Clinton to the table to agree on how to pare down Social Security, Medicare, Medicaid, welfare, and all of the other entitlements that are going rapidly out of control, all of a sudden, quietly, here this morning, we hear the gentleman from New York, my very good friend, come here and say that the provision in this bill which creates a $700 million new entitlement for cattle farmers is not enough and it should be raised to a $1.4 billion entitlement.

To say that I am shocked is only an understatement, because actually I am incredulous. I have worked diligently as chairman of the Committee on Appropriations to get the spending on the discretionary side of the equation under control. We have succeeded.

I would like to take a minute just to show how in Democrat control, the U.S. Congress, in the House and Senate in fiscal year 1994, discretionary spending was roughly $237 billion. This is nondefense discretionary spending under Democrat control.

In fiscal year 1995, it rose to $246 billion. And under Republican control, we shrank fiscal year 1995, because of our rescission bill last year, to under $230 billion, roughly $229 billion.

Currently, in fiscal year 1996, we are at $222 billion. Our projections for fiscal year 1997 are $219 billion. We have had Republicans and Democrats, moderates and conservatives alike, come to the floor and say, ''You can't cut this program, you can't cut that program.'' We want to keep restoring money for education, health and welfare, safety, and all of the wonderful programs in the discretionary portion of the budget.

What we have here this morning, at a time when nobody is paying attention, is Members of the Congress coming forward and saying, ''Wait a minute. We want to create a new entitlement, a new mandatory program to spend $1.4 billion.''

Mr. Chairman, let me stress, today is February 29, 1996. Once every 4 years we are privileged in this world of ours to add an additional day to the calendar of the year. It is called Leap Day. This program coincidentally enough falls on Leap Day. You know what the name of the program is? It is the Livestock Environmental Assistance Program, or the LEAP Program.

Mr. Chairman, I would suggest to all of my Members who are listening somewhere in cyberspace, or here on the floor, I would suggest to them that if they want to create a brand new entitlement after we are cutting the discretionary budget as successfully as we are doing, then they will have succeeded in making a great leap back on Leap Day of Leap Year 1996.

Mr. Chairman, I reserve the balance of my time.

Mr. BOEHLERT. Mr. Chairman, I yield 8 minutes to the gentleman from Kansas [Mr. ROBERTS], the distinguished chairman of the Committee on Agriculture.

☐ 0915

Mr. ROBERTS. Mr. Chairman, I am sorry for the delay. I was taking Mr. LIVINGSTON's pulse. He seemed to be worked up about the budget. I can get worked up about the budget. I can get worked up about entitlement programs.

But this is not an entitlement program. This is the continuation of a strong difference of opinion between our good friends in the Committee on Appropriations, and let me say at the outset, that we have no better chairman of the Committee on Appropriations that the gentleman from Louisiana [Mr. LIVINGSTON], who has done precisely what he said he has done in regards to getting our discretionary, I emphasize the word discretionary, spending down to reasonable levels. He deserves every accolade in that respect.

But the difference in regard to the LEAP program and the EQUIP program here is that we pay for it. We paid for it out of farm programs payments, out of the CCC fund used by Agriculture that is in the mandatory spending category. That comes under the jurisdiction of the House Committee on Agriculture, and we are cutting those funds dramatically, and in addition to cutting those funds and meeting our budget responsibilities, we also cut them again to provide two vitally needed environmental programs, actually three, EQUIP, LEAP, and the conservation reserve program, and we pay for it.

How do we pay for it? Our farmers know that in facing all of the regulatory overkill and their responsibilities as stewards of the soil, they need programs by which the Federal Government is also in partnership with them to reach our environmental responsibilities and our goals. So we reduced those expenditures. This is paid for, and it is capped. It is capped ever year.

Now, I understand that the gentleman from Louisiana and my good friends on the Committee on Appropriations Subcommittee on Agriculture, who do a splendid job for us most of the time, would like to have control over these funds. But, in effect, we have already paid for them out of the farm program benefits that would have gone to farmers.

So we are meeting our budget responsibilities, and we are doing that. And this is the most budget conscious, responsible farm bill that we have ever had. And the program is capped. And we have paid for it, and our farmers have paid for it. It is not a new entitlement. It is a great leap forward, if you will, for the most, for the strongest and the most proenvironmental farm bill that has ever been written.

I would like to at least say I had not expected this kind of a fiscal tirade here this morning, and so if I could be granted some additional time through my friend from New York, I would like to say something positive about the legislation.

This has been a very difficult time, a difficult amendment, but it has been worked out through the diligence of my committee colleague, the gentleman from Nebraska [Mr. BARRETT], and my good friend and colleague, the gentleman from New York [Mr. BOEHLERT], and many others, the gentleman from Minnesota [Mr. PETERSON], on that side of the aisle, myself, the gentleman from Missouri [Mr. EMERSON], and many members of the Committee on Agriculture as a means of addressing several important positive environmental programs. It is a capstone to a truly environmental farm bill.

Under the freedom to farm concept, which is the foundation, we really free farmers from the restrictions of 50 years of federally mandated mono-agriculture. American agriculture will be more environmentally friendly. Our farmers will be free to respond to market signals. They will now be able to rotate their crops and instead of planting the same crop time after time after time after time to protect their acreage base in order to get the Government subsidy, they will follow the market signals and what they should be doing in regard to their environmental responsibilities. That means fewer pesticides. That means less fertilizer. And it means more integrated farm management.

Now, past environmental programs have impacted only a few million acres. Every one of the environmental programs that we have heard about in this Congress before have been piecemeal. Under the freedom to farm bill, we will encourage sound conservation and environmentally positive activity on 300 million acres of U.S. farmlands. That is good for all Americans, and it is also good for the farmer and rancher.

I could go down a long list of environmental and wildlife groups that support this amendment and that also understand it is fiscally responsible because we do pay for it. We have the Farm Bureau, Meat Institute, Sheep Industry Association, Soybean Association, Equipment Manufacturers' Institute. And I will make this part of the RECORD.

In this regard, these are the organizations that support the conservation reserve program, and I certainly want to thank also the gentleman from Texas, [Mr. PETE GEREN] for his efforts in this regard.

But the conservation reserve program has been a monumental success. It reduces soil erosion. It improves the surface and ground water quality on environmentally sensitive lands. It sets aside huge blocks of land in the Great Plains and cornbelt for wildlife habitat. We have economic studies that generally have concluded that the CRP has provided public benefits totaling $12.5 billion since 1985, when the CRP was enacted. That is $8.6 billion for fish and wildlife, $3.1 billion in water quality improvements, $1.3 billion in soil productivity, and a half a billion dollars in benefits generally caused by wind erosion. So it is a plus. As well as paying for this, there is a positive benefit.

So this amendment assures the continuation of these benefits and will improve our Nation's water quality.

Now, under the terms of the compromise amendment offered today by the gentleman from Nebraska [Mr. BARRETT] and the gentleman from New York [Mr. BOEHLERT], the CRP will be continued at its current level of 36.4 million acres. I think I have extolled the virtues of the CRP program enough for Members.

I want to say finally, Mr. Chairman, the amendment does establish a few environmental quality incentive program, or EQUIP, for livestock men and other agriculture producers. This new program is similar to the one adopted by the other body. We have cost share and incentive payments made to producers for structural and land management practices.

Let me just say this: This is the strongest proenvironment farm bill ever passed in this Congress. Under freedom to farm, the farmer will not longer be trapped into monoagriculture, putting the seed in the ground to protect his acreage base in order to receive the deficiency payment or the subsidy payments. He has the flexibility. It means less pesticides, less fertilizer, a proenvironment farm bill. It also locks in the ability of farmers to participate in their conservation compliance plan for 7 years.

Otherwise, if you extend the current farm bill, they will probably get out of the farm program, and there is no conservation compliance. Then we have the three programs: the conservation reserve program, EQUIP, and LEAP. They are all good programs, and they are paid for, and they are capped, and it is out of the mandatory fund.

So I know, while the argument of the gentleman from Louisiana can be very, very persuasive in his efforts to reduce our budget exposure, we have already paid for this, Mr. Chairman, lock, stock, and barrel. It is capped, and there will be no more money spent on a so-called entitlement program that is permitted in this program.

As I have said, our farmers have already sacrificed their program benefits to pay for these environmental programs.

Mr. LIVINGSTON. Mr. Chairman, I yield myself such time as I may consume.

(Mr. LIVINGSTON asked and was given permission to revise and extend his remarks.)

Mr. LIVINGSTON. Mr. Chairman, since I am overwhelmed with speakers on my side of the issue, I will engage just a second again.

You know, for the last 14 months I have heard one speaker after another from both sides of the aisle come up and talk about how important it is to balance the budget. We are going to do it, oh, we are going to balance the budget, but not with this program, because this program is a good program, that program is a good program. You know, you need a little more, a little touch-up over here, a little more spending here. In fact, that is what we have been hearing in my 19 years in the U.S. Congress, ''We are going to do it one day.'' But, oh, now that we are really getting serious, now that we are really starting to get a handle on discretionary spending, let us come up with new gimmicks, new tricks, and when you have got a good idea, let's just not worry about the discretionary side of the equation. Let us switch it over to the mandatory side of the equation. Let us just kind of move it over in a bookkeeping entry, lock it into law, make it an entitlement, walk away from it because we know this program is a good one; it will be funded for eternity.

Once we get an entitlement, it will never be cut. You know, I could list 10,000 programs that the U.S. Government engages in that every one of which are good ideas. We might as well just take all 10,000 of them and say they are mandatory and not worry. We could all do what Lamar Alexander said, pack our bags, cut our salaries 100 percent and go home, let Bill Clinton run the Government. Is that what we are supposed to do? Is that really what we are elected to do? Are we elected to take every program known to man that is a good idea? And this is a good idea. There is no doubt about the substance of this program. In fact, there never has been any doubt about the substance of the program.

Just this last year we appropriated $75 million for this program, essentially the same thing. We are already doing it.

But my friends in the farm community say, well, we need to spend more because we need to show the environmentalists that we are really looking out after them. I mean after all, we are spending a lot more money on farm programs in order to justify that and to pass a farm bill. Let us put a little money in for the environmentalists; then we get a lot of votes and pass the bill. That is the key here. That is what we are talking about. ''Let's buy the votes.'' Let us not worry about the fact the last 14 months we have been worrying about a balanced budget and trying to pare down discretionary spending and save money for the taxpayers so that eventually we can turn some back to him. Let us come up with a new, neat environmental idea. Well, not so new, because we have been doing it already on the discretionary side. But let us make it an entitlement. Let us lock it into law so those appropriators cannot ever get to it, so we can never decrease it and we can say to the environmental community, ''Look what we have done for you today.''

Is that not the same old story we have been telling for the last 50 years? We take the taxpayers' money. We are looking at them straight in the eye and say, ''Look what I've done for you today. Vote for me in the next election.''

Mr. ROBERTS. Mr. Chairman, will the gentleman yield?

Mr. LIVINGSTON. If the gentleman would be happy to yield to me on his time, I would be happy to. I want to say——

Mr. ROBERTS. I do not have any time. I would just like to respond to the gentleman.

Mr. LIVINGSTON. I yield to the gentleman from Kansas, the distinguished chairman of the Committee on Agriculture.

Mr. ROBERTS. Bless your heart. Well, do not wander off.

Mr. LIVINGSTON. I am here.

Mr. ROBERTS. OK. Again, let me say to the gentleman that we all stand in admiration of the gentleman's efforts to cut spending. Nobody has done more in the Congress. But what I would like to try to point out is that we do have two separate pastures in regard to our financial obligation in regard to agriculture. One is the mandatory pasture, and one is the discretionary pasture.

The gentleman has done yeoman work in regards to the discretionary part of the funding. We are in charge of the mandatory part.

Now, we started out at $56.6 billion.

Mr. LIVINGSTON. Reclaiming my time, the gentleman has plenty of time from the gentleman from New York.

Mr. ROBERTS. It will only take 30 seconds.

Mr. LIVINGSTON. I understand the gentleman's point. I will summarize it.

Essentially he is saying the appropriators appropriate and the authorizers authorize, and therefore he is going to authorize and take all the money from the taxpayer and make sure that it is locked in.

Look, the bottom line is, with all due respect to my friend, and because my time is limited and I think I might have other speakers before this day is over, the fact that this is a program that might be wise today but someday in the future might be unwise. It might be adjusted. And the point is we should make it discretionary, we should control it.

If, in fact, the money is being wasted, somebody in Congress should say it is being wasted, just like on most of these other programs we have. We should never lock things into law simply because they are a good idea. This is a mistake. It was a mistake to put it in the bill and add $700 million. It is an even worse mistake to put it in as an amendment at $1.4 billion, as the gentleman from New York would do.

I urge my friends to vote down this amendment and vote with me to eliminate this whole bad leap year, leap day LEAP program provision from this bill.

Mr. BOEHLERT. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. DE LA GARZA], the distinguished ranking member of the Committee on Agriculture, and I ask unanimous consent that he be allowed to control that time.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DE LA GARZA. Mr. Chairman, I yield 1 minute to the gentleman from South Dakota [Mr. JOHNSON].

(Mr. JOHNSON of South Dakota asked and was given permission to revise and extend his remarks.)

Mr. JOHNSON of South Dakota. Mr. Chairman, I rise in support of the Boehlert-Barrett conservation amendment. It contains the backbone of a comprehensive conservation title that should be in the final version of the farm bill whenever that might come about.

I am pleased that the authority for new enrollments in the Conservation Reserve Program is included. The CRP is of great importance in my State of South Dakota for several reasons, for its impact on cutting soil erosion, increasing water quality and enhancing habitat for wildlife. We have seen pheasant populations in South Dakota head back toward historical, record levels. The same is true of duck populations, which have increased by 30 percent, and songbird populations. Many of the songbirds documented on CRP acreage were previously headed toward decline and facing the possibility of being threatened under the Endangered Species Act.

I am also pleased that the gentleman from Nebraska worked with agricultural interests and wildlife groups to come up with a compromise on the issue of early outs.

The other component of this amendment is the Environmental Quality Incentives Program. I have been working with Chairman ALLARD on a similar provision in the Agriculture Committee. This program will be vital in ensuring the viability of livestock operations throughout the country. The livestock sector is facing devastating swings in market prices and the technical assistance and cost-share funds provided by EQIP may help keep many family operations from going out of business.

I want to commend the livestock and commodity groups in their initiative in working to meet the environmental concerns facing their industry. They want to take an active role in ensuring their operations do not degradate the land they live on or the water their families drink.

As I indicated, this is a start toward a conservation title that can balance the survival of family farms with protection of their land and resources for generations to come. I look forward to working with Chairmen ROBERTS and ALLARD to address the remaining important issues such as commonsense reforms to the Swampbuster provision that they included in H.R. 2973.

☐ 0930

Mr. DE LA GARZA. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Minnesota [Mr. PETERSON].

Mr. PETERSON of Minnesota. Mr. Chairman, I am proud to stand today to offer this amendment with the gentleman from New York [Mr. BOEHLERT] and the gentleman from Nebraska [Mr. BARRETT]. On behalf of the Sportsmen's Caucus, which has made the Conservation Reserve Program the main focus of this Congress, we are very pleased with the language that is in this amendment. This is a straight, clean, reauthorization of the Conservation Reservation Program, which is what we have been working for, for the last couple of years.

I think the earlyout provision that has been negotiated with the gentleman from Nebraska [Mr. BARRETT] and others is a good provision which is actually, in my judgment, going to benefit wildlife, because frankly, the first 5 years of these contracts are when they do the best job in providing habitat for wildlife. It might be a good thing to allow these to turn over after 5 years so we can take some of this mature cover and turn it into new cover, which is the best for wildlife.

So, Mr. Chairman, I think we have got a very good compromise put together here. It is going to be good for wildlife, farmers, conservationists, and environmentalists. I am glad to support this.

Mr. BOEHLERT. Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska [Mr. BARRETT].

Mr. ROBERTS. Mr. Chairman, will the gentleman yield?

Mr. BARRETT of Nebraska. I yield to the gentleman from Kansas.

Mr. ROBERTS. Mr. Chairman, I thank the gentleman. It used to be in this body, where we delegated responsibility, we appropriated the credit and sifted the blame. Through the leadership of the gentleman from Louisiana [Mr. LIVINGSTON], we do not do that anymore. Let me point out to the distinguished gentleman from Louisiana, we started with $56.6 billion in the mandatory account, went down to $43 billion, went down to $38 billion, went down to $36 billion. These are farm program payments. The reason we went from 38 to 36 is to pay for this. It is paid. It is capped. It is paid. This is not a new entitlement payment program. We paid for it.

Mr. BARRETT of Nebraska. Mr. Chairman, reclaiming my time, I am pleased that the House actually has an opportunity to discuss a strong amendment to the farm bill such as this amendment. I am particularly excited about the Conservation Reserve Program, as has been pointed out.

As a long time supporter of the Agricultural Marketing Transition Act, I will admit I had a concern about moving a farm bill without a conservation section, which should have been included in the reauthorization of the program itself. Without the Boehlert-Barrett-Peterson amendment, we would be ignoring about 15 million acres of CRP land that will be coming out of the program this year. If you add the CRP contracts to expire next year, we are talking about 24 million acres of land.

So the Conservation Reserve Program, which was established in 1985, helps to protect our soil and water. It is an extremely important matter that we continue the program. It has a wide spectrum of interests, and farmers and environmentalists and sportsmen and the public sector, frankly, get large benefits from the program, and the House should not dismiss our responsibility to reauthorize the program. It is a good amendment, it is an amendment that should be adopted. It will help complete the farm bill and give the House a position on CRP as we go to conference with the Senate.

So, Mr. Chairman, in conclusion, I would say please support the amendment, vote yes on Boehlert-Barrett-Peterson.

Mr. LIVINGSTON. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. FARR].

Mr. FARR of California. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise with a great deal of concern on this amendment. This is an amendment that those of us in the environmental community ought to be embracing. But it has some very serious reservations. In fact, I have a letter here signed by the Sierra Club, the American Farmland Trust, Defenders of Wildlife, Environmental Working Group Humane Society of the United States, Friends of the Earth, the Isaak Walton League of America, the Land Trust Alliance, the Union for Concerned Scientists, Public Voice for Food and Health Policy, the Soil and Water Conservation Society, Sustainable Agriculture Coalition, U.S. PIRG, and the Wallace Institute for Alternative Agriculture, all addressing Members of this body, asking them to vote against the bill because of this provision that is from it.

I have some concerns as I have been working closely through the year, only I think we have a lot of mutual interests. One of my biggest concerns in America is the erosion of good, prime, agriculture land. America seems to be doing urban sprawl better than it can do agriculture policy. So what we want to do, rather than get government highly involved in this, is to allow—we have in America these agriculture land trusts created in countries and States throughout the United States. Those are private, nonprofit entities that go out and buy from willing sellers, willing sellers, development rights that are on agriculture land, so that the agriculture land remains permanently in agriculture. I have been trying to get that amendment into the bill and had a very difficult time because it is always sort of delayed.

The Senate policy allowed that amendment in there, and this amendment does not. So, therefore, I reluctantly have to oppose the Boehlert amendment.

I do so because I believe that this amendment undermines efforts both here in the House and in the Senate to protect farmland from urban sprawl.

I have coauthored legislation with my good friend from Maryland, Mr. GILCHREST, to help the States address the troubling loss of farmland to urbanization—over 1,000,000 acres a year at current rates.

The States have taken the lead in helping farmers keep this land in agriculture and out of the grasp of urban sprawl and the Federal Government should help the States with their efforts.

States like New York, California, Maryland, Pennsylvania, Massachusetts, New Jersey, Michigan, and many others.

A version of our bill was added to the Senate farm bill by Senator SANTORUM.

Before Tuesday, the Boehlert amendment would have included most of the Senate conservation title—including farmland protection.

But Tuesday night, the Boehlert amendment was cut down to a size more acceptable to the environmentally leaning Republican leadership.

Farmland protection was dropped from the bill.

This amendment will hurt the Senate farmland protection provisions in conference.

I believe that a vote for the de la Garza-Clayton fund for rural America amendment is better for farmland protection, better for the, environment, better for rural economies, and better for farmers.

I cannot support this bill if it lacks adequate funding for conservation, research, and rural development.

And I cannot support this bill if it does not help State farmland protection efforts, or undercuts the Senate farmland protection amendment in the conference—as I believe the Boehlert conservation amendment will.

Mr. BOEHLERT. Mr. Chairman, will the gentleman yield?

Mr. FARR. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, I would point out the letter the gentleman just referred to, signed by all the environmental organizations, is silent to this amendment. They are actually supportive of my amendment, opposed though to the bill.

Mr. Chairman, I yield 1 minute to the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Chairman, I thank the gentleman for yielding me time. In my 1 minute I would like to make several points.

One is, who is an environmentalist? I have yet to find anybody who does not believe in clean drinking water. would not like to see clean water in general. Everybody wants clean air. You talk about environmentalists, but the trust of matter is about 100 percent of the United States of America is in one way or another an environmentalist.

Second, who owns the land? About 50 percent of the land in America is owned or controlled by our farmers and our ranchers. That is a very important commodity in terms of how we are going to impact our environment.

Next our agricultural interests, also our environmental interests, I have not met many farmers, ranchers, or anybody who deals with that area, who is not interested in the environment.

Finally, there is a very close tie-in between the environment and our agricultural interests. I know in my State of Delaware, in our inland bays where Rehoboth Beach is, which many people know about, we have a lot of farm interests. We have studied those inland bays and realize the impact of fertilizers and other products on them.

Mr. Chairman, I would encourage all of us to support the program.

Mr. LIVINGSTON. Mr. Chairman, by national acclaim, I will take the podium again. I yield myself such time as I may consume.

Mr. Chairman, just so that everybody is absolutely clear, I have already made the point that we are scoring big points in getting discretionary spending under control. What the proponents of this amendment and the later subsequent provision in the agriculture bill do to create the LEAP Program on Leap Day of Leap Year of 1996 is to create a $1.4 billion mandatory program.

Now, there has been some discussion that, well, it is not really a mandatory entitlement. I would only point to the bill itself, in fact to the provision, I think this is the Boehlert amendment, ''Title III, Conservation, section 1241, mandatory expenses.'' The whole program is listed under mandatory expenses.

It says the ''Environmental Quality Incentive Program for each of fiscal years 1996 through 2002, $200 million of funds of the Commodity Credit Corporation shall be available.'' It does

not say ''may be available'' or ''may be appropriated'' or ''might be spent.'' It says ''it shall be available,'' which means this indeed is a mandatory program. It increases spending.

Now, I have to tell my Republican colleagues, I got this report from the House Republican conference talking points on why you should support the House bill and not support the Senate bill. Well, on the second page, it says the Senate bill is ''chock full of new spending.'' That is the reason you should not vote for the Senate bill.

Well, what are we doing here? Creating a nondiscretionary, mandatory new entitlement for $1.4 billion. Do not come to the Committee on Appropriations and say ''We need to cut spending'' if you vote for this. This is locked in spending. Nobody can cut it, nobody can adjust it, you just have to spend the money. And when you go back to the campaign trail and say ''We have got to do something about the mandatory side of the equation, two-thirds of the Federal budget, two-thirds of $1.6 billion that we spend every year, but we can't do it because we can't get the votes, can't get the support,'' if you vote for this, you will know why. You can look in the mirror and see the person responsible.

Mr. Chairman, I reserve the balance of my time.

Mr. BOEHLERT. Mr. Chairman, I yield 1 minute to the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Mr. Chairman, I thank the gentleman from New York for yielding me time, and I thank the gentleman from Kansas for allowing the opportunity to discuss an issue such as conservation.

The previous speaker spoke about an important issue, and that is balancing the budget. He spoke about an important issue in not frivolously spending the taxpayers' dollars in a wasteful manner. We must balance the Federal budget. But in so doing, I think we have to remember that we have to reduce some of the problems that are causing Federal spending to go spiralling out of sight.

If we are dealing with the area of agriculture, how do we save money? We reduce soil erosion, we prevent ground water from becoming contaminated, we reduce the necessity of spending Federal dollars on flooding. How do you do all these things in one particular area in the scheme of things? If we are dealing with agriculture, we need to spend taxpayer money wisely, we need to spend Federal dollars wisely, to reduce the overall mismanagement of things.

So if we can have conservation programs that protect things such as wetlands, which, by the way, are now relatively easily identified and farmers wanted to participate in that so they can encourage the fact that soil will not be eroded anymore, ground water will be clean, we will have areas that will not be flooded anymore, we have areas where fish can spawn, and they want to participate in the best management practices for farming, then we are going to work as a team. It is going to work.

Mr. Chairman, I encourage an aye vote on this amendment.

Mr. LIVINGSTON. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa [Mr. LATHAM].

Mr. LATHAM. Mr. Chairman, I would like to engage the gentleman from New York [Mr. BOEHLERT] in a colloquy. I just want some clarification on different parts of this.

Is there anything in this that requires a whole farm plan?

Mr. BOEHLERT. Mr. Chairman, if the gentleman will yield, there is nothing in there to require a whole farm plan.

Mr. LATHAM. There is no intention that would be part of it?

Mr. BOEHLERT. No intention.

Mr. LATHAM. Under the CRP provision it is added as far as water conditions on the criteria. I want to know, is there an actual effect as far as moving acres out of the Midwest to the Northeast, or is there an intent, or will it have an effect in that regard?

Mr. BOEHLERT. I will be glad to direct that response to the chairman of the full committee. We have had extensive conversations on that.

Mr. ROBERTS. Mr. Chairman, if the gentleman will yield, as the gentleman knows, you are looking at possibly the strongest possible defender of the CRP. To have those acres remain in the Great Plains, where we truly need it in this criteria, there is an out-option. The farmer may leave the Conservation Reserve Program, but not, of course, in terms of the highly environmentally sensitive ground. When he does that, on his own volition, the Secretary then has the same number of acres and money and he can apply it to other sensitive acres. But there is no criteria to move this program from one section of the country to another.

Mr. LATHAM. I would just like to ask the gentleman from New York, as far as the Wetlands Reserve Program, you have got a third permanent, third 30 years, and the others are different time periods. Is there anything as far as new delineations of wetlands?

Mr. BOEHLERT. No, there is not.

Mr. LATHAM. Does the gentleman expect any effect as far as with tying up the one-third as far as being permanent, as to what the anticipated effect will be as far as how many acres currently are permanent and will now be able to go into the 30 and the temporary?

Mr. BOEHLERT. We were anticipating more people would participate in the program.

Mr. LIVINGSTON. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I appreciate my colleagues listening to my extemporaneous tirades here. I just hope that people will reflect that this is serious. This is not about the merits of the program. We have heard a lot of good speakers talk about the merits of the program. I have to agree with that. It is a good program. We would like to appropriate as much money as possible to this program. By the way, I have dairy farmers who probably would avail themselves of the benefits of this program. It is important.

But this is not a debate about the program or the benefits of the program or the merits of the program. This is a debate about whether or not we meant what we said when we said we wanted a balanced budget by the year 2002. Now, it is nice that we come to the floor and debate this issue about the LEAP program on leap day of leap year, 1996. That is interesting. That is coincidental. But the real fact is, are we just pulling the wool over the American people's eyes when we talk about a balanced budget?

I suggest to Members, that they look at the trend that we have created with discretionary spending, and remember, discretionary spending is only one-third of the equation, one-third of the budget of the United States that we spend every year. But we are working on nondefense discretionary, we are getting the sum down. We are serious about trying to save the taxpayers money.

As we all know, however, that other two-thirds is growing. Without a budget agreement, we will not get a handle on it. The last thing we need to do is make the problem worse. The last thing we need to do is create new entitlements. The last thing we need to do is make those entitlements lock in good programs, well-intentioned programs, well-meaning programs, so we cannot ever adjust them. We cannot touch them.

But if you vote for this amendment, if you vote against my provision, in fact, you do not want to balance the budget by the year 2002. Perhaps you mean 3002.

The CHAIRMAN pro tempore. The gentleman from New York [Mr. BOEHLERT] has 2 minutes remaining.

Mr. BOEHLERT. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, the principal opponent of this amendment has just made a compelling argument to support the amendment. He said his argument is not about the merits of the program. He said it is a good program, but he is concerned about priorities. So are we. So are the American people.

The election of November 8, 1994, sent a clear, unequivocal message to the Congress of the United States. The American people want smaller, less costly, less intrusive, yet more efficient government. They want us to get our priorities in order. And guess what, they did not send us here to dismantle a quarter of a century of progress in important, sensitive, environmental legislation. Who are the principal stewards of our land? Our farmers, agriculture.

This is our greatest opportunity to do something meaningful to protect our environment. When we want to

talk about water quality, are Members not all concerned, as we all should be, when in one of the premier cities of America, Milwaukee, in December 1993, 104 people died because they drank the water from a public water system? That is a cause for concern. If we can do something in just a small way here in this House to prevent that from happening in the future, that is a job well done.

The sportsmen of America, the environmentalists of America, the farmers of America support this amendment because it makes sense for America. I urge my colleagues to join with us in a bipartisan manner and win one for the American people.

Mr. FAZIO of California. Mr. Chairman, Mr. BOEHLERT has been a leader respected on both sides of the aisle for lack of partisanship on environmental issues.

His amendment emphasizes the importance of conservation programs in a total farmland management plan.

It addresses many concerns of USDA Secretary Glickman who says "this bill fails to make changes necessary in conservation programs that would lead to cleaner water and better soil protection."

JIM LIGHTFOOT and I have delivered a letter to Chairman ROBERTS in support of the Conservation Reserve Program.

It is vital to reauthorize the program and permit new sign-ups to keep the program viable and maintain the significant investment made over the past 10 years.

Its absence from the Roberts bill is a glaring omission.

I commend the Boehlert amendment and recommend passage.

Mr. VENTO. Mr. Chairman, I rise to support the Boehlert amendment which represents the only opportunity on this farm legislation to address the Conservation Reserve Program [CRP] and the Wetlands Reserve Program [WRP]. Under the rules of the House we should have had a more open debate and an opportunity for the House to work its will on these important provisions—but were denied that by the closed rule adopted for the consideration of this measure, H.R. 2854.

I am frankly very concerned about the Livestock Environmental Assistance Program embodied in the amendment, not because we do not need to clean up the feedlot seepage and pollution, but because the funding duty to do so will be transferred to the Federal Government in the absence of compliance. Such clean up and pollution prevention should be borne by those responsible for the contamination, the producers in agribusiness.

Furthermore, the limitations on the acreage included in the CRP and the WRP proposal will sharply limit their effectiveness. I am hopeful that there is not an implication in the purchase of easements, a concept, that the Federal Government must pay land owners so that they will not pollute or damage the environment.

Hopefully when and if this overall measure moves to conference, we will see these shortcomings corrected. But this amendment, which will no doubt pass today, is a mixed message and not the best product for a sound conservation policy path in 1996.

Mr. WELLER. Mr. Chairman, I rise in strong support of the Boehlert amendment to H.R. 2854 to add much needed conservation provisions to the Agriculture Market Transition Act.

The Boehlert amendment achieves significant conservation measures that benefit the environment by retiring highly erodible and environmentally sensitive land and protecting wetlands, thereby expanding wildlife habitat, enhancing water quality and restoring soil quality. And, at the same time, this amendment provides necessary reform to improve farm management and operation while preserving profitability for farmers.

I understand the chairman's plans to address conservation efforts in future legislation. But, given the President's much-abused use of the veto pen, I don't think that we can afford to delay consideration of this essential authorization.

The time is now to enact conservation authorization reforms. Authority to enroll new CRP lands expired in 1995. The first CRP contracts expired in October 1995 and contracts covering over half the land in the current program will expire this year and next.

I grew up on a fifth generation family farm and my father taught me the importance of preserving the land for future generations.

Conservation efforts benefit not only the community surrounding contract land, but also across state boundaries. Preserving wildlife habitat for future generations is important to my constituents and our heritage. For example, CRP's wildlife benefits are enjoyed by millions of sportsmen and have generated billions of dollars in economic activity, and restoring and protecting ground water and stream flows for fish, wildlife, and rural communities is essential.

I think it is also important to note that, according to the Congressional Budget Office, Representative BOEHLERT's amendment costs less than half of the Senate provisions, while doing a better job of protecting our soil and water resources.

Mr. Speaker, the time to reauthorize conservation programs is now, and I urge my colleagues to support the Boehlert amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New York [Mr. BOEHLERT].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BOEHLERT. Mr. Chairman, I demand a recorded vote.

A recorded vote was orderd.

The vote was taken by electronic device, and there were—ayes 372, noes 37, not voting 22, as follows:

[Roll No 37]

AYES—372

Abercrombie
Ackerman
Allard
Andrews
Bachus
Baesler
Baker (CA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Buyer
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Gordon
Goss
Green
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Heineman
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Hutchinson
Hyde
Inglis
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Jones
Kanjorski
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Leach
Levin
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Miller (CA)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Ros-Lehtinen
Roth
Roukema
Roybal-Allard
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Studds
Stupak
Talent
Tanner
Tate
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton

Velazquez	Watt (NC)	Williams
Vento	Watts (OK)	Wise
Visclosky	Waxman	Wolf
Volkmer	Weldon (FL)	Woolsey
Waldholtz	Weldon (PA)	Wynn
Walsh	Weller	Yates
Wamp	White	Zimmer
Ward	Whitfield	
Waters	Wicker	

NOES—37

Archer	Herger	Radanovich
Armey	Hostettler	Rogers
Baker (LA)	Hunter	Rohrabacher
Barton	Istook	Royce
Chenoweth	Johnson, Sam	Scarborough
Collins (GA)	Kaptur	Souder
Crane	Lewis (CA)	Stump
DeLay	Livingston	Tauzin
Farr	McDade	Vucanovich
Goodling	Miller (FL)	Walker
Hancock	Neumann	Young (FL)
Hansen	Packard	
Hayes	Pombo	

NOT VOTING—22

Bryant (TX)	Gibbons	Rose
Burton	Graham	Sisisky
Callahan	Greenwood	Stokes
Collins (IL)	Kasich	Wilson
Dingell	Lazio	Young (AK)
Dixon	Maloney	Zeliff
Fattah	McKinney	
Furse	Moorhead	

□ 1010

The Clerk announced the following pair:

On this vote:

Mr. Fazio of California for, with Mr. Kasich against.

Messrs. MCDADE, NEUMANN, and SCARBOROUGH changed their vote from ''aye'' to ''no.''

Mr. OXLEY and Mr. MCINTOSH changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. (Mrs. WALDHOLTZ]. It is now in order to consider amendment No. 10 printed in House Report 104–463.

AMENDMENT OFFERED BY MR. ROTH

Mr. ROTH. Madam Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ROTH:

Add at the end of title IV the following:

Subtitle B—Amendments to Agricultural Trade Development and Assistance Act of 1954 and Related Statutes

SEC. 411. FOOD AID TO DEVELOPING COUNTRIES.

(a) IN GENERAL.—Section 3 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691a) is amended to read as follows:

''SEC. 3. FOOD AID TO DEVELOPING COUNTRIES.

''(a) POLICY.—In light of the Uruguay Round Agreement on Agriculture and the Ministerial Decision on Measures Concerning the Possible Negative Effects of the Reform Program on Least-Developed and Net-Food Importing Developing Countries, the United States reaffirms the commitment of the United States to providing food aid to developing countries.

''(b) SENSE OF CONGRESS.—It is the sense of Congress that—

''(1) the President should initiate consultations with other donor nations to consider appropriate levels of food aid commitments to meet the legitimate needs of developing countries;

''(2) the United States should increase its contribution of bona fide food assistance to developing countries consistent with the Agreement on Agriculture.''.

(b) CONFORMING AMENDMENT.—Section 411 of the Uruguay Round Agreements Act (19 U.S.C. 3611) is amended by striking subsection (e).

SEC. 412. TRADE AND DEVELOPMENT ASSISTANCE.

Section 101 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1701) is amended—

(1) by striking ''developing countries'' each place it appears and inserting ''developing countries and private entities''; and

(2) in subsection (b), by inserting ''and entities'' before the period at the end.

SEC. 413. AGREEMENTS REGARDING ELIGIBLE COUNTRIES AND PRIVATE ENTITIES.

Section 102 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1702) is amended to read as follows:

''SEC. 102. AGREEMENTS REGARDING ELIGIBLE COUNTRIES AND PRIVATE ENTITIES.

''(a) PRIORITY.—In selecting agreements to be entered into under this title, the Secretary shall give priority to agreements providing for the export of agricultural commodities to developing countries that—

''(1) have the demonstrated potential to become commercial markets for competitively priced United States agricultural commodities;

''(2) are undertaking measures for economic development purposes to improve food security and agricultural development, alleviate poverty, and promote broad-based equitable and sustainable development; and

''(3) demonstrate the greatest need for food.

''(b) PRIVATE ENTITIES.—An agreement entered into under this title with a private entity shall require such security, or such other provisions as the Secretary determines necessary, to provide reasonable and adequate assurance of repayment of the financing extended to the private entity.

''(c) AGRICULTURAL MARKET DEVELOPMENT PLAN.—

''(1) DEFINITION OF AGRICULTURAL TRADE ORGANIZATION.—In this subsection, the term 'agricultural trade organization' means a United States agricultural trade organization that promotes the export and sale of a United States agricultural commodity and that does not stand to profit directly from the specific sale of the commodity.

''(2) AN.—The Secretary shall consider a developing country for which an agricultural market development plan has been approved under this subsection to have the demonstrated potential to become a commercial market for competitively priced United States agricultural commodities for the purpose of granting a priority under subsection (a).

''(3) REQUIREMENTS.—

''(A) IN GENERAL.—To be approved by the Secretary, an agricultural market development plan shall—

''(i) be submitted by a developing country or private entity, in conjunction with an agricultural trade organization;

''(ii) describe a project or program for the development and expansion of a United States agricultural commodity market in a developing country, and the economic development of the country, using funds derived from the sale of agricultural commodities received under an agreement described in section 101;

''(iii) provide for any matching funds that are required by the Secretary for the project or program;

''(iv) provide for a results-oriented means of measuring the success of the project or program; and

''(v) provide for graduation to the use of non-Federal funds to carry out the project or program, consistent with requirements established by the Secretary.

''(B) AGRICULTURAL TRADE ORGANIZATION.—The project or program shall be designed and carried out by the agricultural trade organization.

''(C) ADDITIONAL REQUIREMENTS.—An agricultural market development plan shall contain such additional requirements as are determined necessary by the Secretary.

''(4) ADMINISTRATIVE COSTS.—

''(A) IN GENERAL.—The Secretary shall make funds made available to carry out this title available for the reimbursement of administrative expenses incurred by agricultural trade organizations in developing, implementing, and administering agricultural market development plans, subject to such requirements and in such amounts as the Secretary considers appropriate.

''(B) DURATION.—The funds shall be made available to agricultural trade organizations for the duration of the applicable agricultural market development plan.

''(C) TERMINATION.—The Secretary may terminate assistance made available under this subsection if the agricultural trade organization is not carrying out the approved agricultural market development plan.''.

SEC. 414. TERMS AND CONDITIONS OF SALES.

Section 103 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1703) is amended—

(1) in subsection (a)(2)(A)—

(A) by striking ''a recipient country to make''; and

(B) by striking ''such country'' and inserting ''the appropriate country'';

(2) in subsection (c), by striking ''less than 10 nor''; and

(3) in subsection (d)—

(A) by striking ''recipient country'' and inserting ''developing country or private entity''; and

(B) by striking ''7'' and inserting ''5''.

SEC. 415. USE OF LOCAL CURRENCY PAYMENT.

Section 104 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1704) is amended—

(1) in subsection (a), by striking ''recipient country'' and inserting ''developing country or private entity''; and

(2) in subsection (c)—

(A) by striking ''recipient country'' each place it appears and inserting ''appropriate developing country''; and

(B) in paragraph (3), by striking ''recipient countries'' and inserting ''appropriate developing countries''.

SEC. 416. ELIGIBLE ORGANIZATIONS.

Section 202 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1722) is amended—

(1) by striking subsection (b) and inserting the following:

''(b) NONEMERGENCY ASSISTANCE.—

''(1) IN GENERAL.—The Administrator may provide agricultural commodities for nonemergency assistance under this title through eligible organizations (as described in subsection (d)) that have entered into an agreement with the Administrator to use the commodities in accordance with this title.

''(2) LIMITATION.—The Administrator may not deny a request for funds or commodities submitted under this subsection because the program for which the funds or commodities are requested—

''(A) would be carried out by the eligible organization in a foreign country in which the Agency for International Development does not have a mission, office, or other presence; or

''(B) is not part of a development plan for the country prepared by the Agency.''; and

(2) in subsection (e)—

(A) in the subsection heading, by striking ''PRIVATE VOLUNTARY ORGANIZATIONS AND

COOPERATIVES'' and inserting ''ELIGIBLE ORGANIZATIONS'';

(B) in paragraph (1)—

(i) by striking ''$13,500,000'' and inserting ''$28,000,000''; and

(ii) by striking ''private voluntary organizations and cooperatives to assist such organizations and cooperatives'' and inserting ''eligible organizations described in subsection (d), to assist the organizations'';

(C) in paragraph (3), by striking ''a private voluntary organization or cooperative, the Administrator may provide assistance to that organization or cooperative'' and inserting ''an eligible organization, the Administrator may provide assistance to the eligible organization''.

SEC. 417. GENERATION AND USE OF FOREIGN CURRENCIES.

Section 203 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1723) is amended—

(1) in subsection (a), by inserting '', or in a country in the same region,'' after ''in the recipient country'';

(2) in subsection (b)—

(A) by inserting ''or in countries in the same region,'' after ''in recipient countries,''; and

(B) by striking ''10 percent'' and inserting ''15 percent'';

(3) in subsection (c), by inserting ''or in a country in the same region,'' after ''in the recipient country,''; and

(4) in subsection (d)(2), by inserting ''or within a country in the same region'' after ''within the recipient country''.

SEC. 418. GENERAL LEVELS OF ASSISTANCE UNDER PUBLIC LAW 480.

Section 204(a) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1724(a)) is amended—

(1) in paragraph (1), by striking ''amount that'' and all that follows through the period at the end and inserting ''amount that for each of fiscal years 1996 through 2002 is not less than 2,025,000 metric tons.'';

(2) in paragraph (2), by striking ''amount that'' and all that follows through the period at the end and inserting ''amount that for each of fiscal years 1996 through 2002 is not less than 1,550,000 metric tons.''; and

(3) in paragraph (3), by adding at the end the following: ''No waiver shall be made before the beginning of the applicable fiscal year.''.

SEC. 419. FOOD AID CONSULTATIVE GROUP.

Section 205 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1725) is amended—

(1) in subsection (a), by striking ''private voluntary organizations, cooperatives and indigenous non-governmental organizations'' and inserting ''eligible organizations described in section 202(d)(1)'';

(2) in subsection (b)—

(A) in paragraph (2), by striking ''for International Affairs and Commodity Programs'' and inserting ''of Agriculture for Farm and Foreign Agricultural Services'';

(B) in paragraph (4), by striking ''and'' at the end;

(C) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(6) representatives from agricultural producer groups in the United States.'';

(3) in the second sentence of subsection (d), by inserting ''(but at least twice per year)'' after ''when appropriate''; and

(4) in subsection (f), by striking ''1995'' and inserting ''2002''.

SEC. 420. SUPPORT OF NONGOVERNMENTAL ORGANIZATIONS.

(a) IN GENERAL.—Section 306(b) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1727e(b)) is amended—

(1) in the subsection heading, by striking ''INDIGENOUS NON-GOVERNMENTAL'' and inserting ''NONGOVERNMENTAL''; and

(2) by striking ''utilization of indigenous'' and inserting ''utilization of''.

(b) CONFORMING AMENDMENT.—Section 402 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1732) is amended by striking paragraph (6) and inserting the following:

''(6) NONGOVERNMENTAL ORGANIZATION.—The term 'nongovernmental organization' means an organization that works at the local level to solve development problems in a foreign country in which the organization is located, except that the term does not include an organization that is primarily an agency or instrumentality of the government of the foreign country.''.

SEC. 421. COMMODITY DETERMINATIONS.

Section 401 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1731) is amended—

(1) by striking subsections (a) through (d) and inserting the following:

''(a) AVAILABILITY OF COMMODITIES.—No agricultural commodity shall be available for disposition under this Act if the Secretary determines that the disposition would reduce the domestic supply of the commodity below the supply needed to meet domestic requirements and provide adequate carryover (as determined by the Secretary), unless the Secretary determines that some part of the supply should be used to carry out urgent humanitarian purposes under this Act.'';

(2) by redesignating subsections (e) and (f) as subsections (b) and (c), respectively; and

(3) in subsection (c) (as so redesignated), by striking ''(e)(1)'' and inserting ''(b)(1)''.

SEC. 422. GENERAL PROVISIONS.

Section 403 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1733) is amended—

(1) in subsection (b)—

(A) in the subsection heading, by striking ''CONSULTATIONS'' and inserting ''IMPACT ON LOCAL FARMERS AND ECONOMY''; and

(B) by striking ''consult with'' and all that follows through ''other donor organizations to'';

(2) in subsection (c)—

(A) by striking ''from countries''; and

(B) by striking ''for use'' and inserting ''or use'';

(3) in subsection (f)—

(A) by inserting ''or private entities, as appropriate,'' after ''from countries''; and

(B) by inserting ''or private entities'' after ''such countries''; and

(4) in subsection (i)(2), by striking subparagraph (C).

SEC. 423. AGREEMENTS.

Section 404 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1734) is amended—

(1) in subsection (a), by inserting ''with foreign countries'' after ''Before entering into agreements'';

(2) in subsection (b)(2)—

(A) by inserting ''with foreign countries'' after ''with respect to agreements entered into''; and

(B) by inserting before the semicolon at the end the following: ''and broad-based economic growth''; and

(3) in subsection (c), by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—Agreements to provide assistance on a multi-year basis to recipient countries or to eligible organizations—

''(A) may be made available under titles I and III; and

''(B) shall be made available under title II.''.

SEC. 424. ADMINISTRATIVE PROVISIONS.

Section 407 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736a) is amended—

(1) in subsection (a)—

(A) in paragraph(1), by inserting ''or private entity that enters into an agreement under title I'' after ''importing country''; and

(B) in paragraph (2), by adding at the end the following: ''Resulting contracts may contain such terms and conditions as the Secretary determines are necessary and appropriate.'';

(2) in subsection (c)—

(A) in paragraph (1)(A), by inserting ''importer or'' before ''importing country''; and

(B) in paragraph (2)(A), by inserting ''importer or'' before ''importing country'';

(3) in subsection (d)—

(A) by striking paragraph (2) and inserting the following:

''(2) FREIGHT PROCUREMENT.—Notwithstanding the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) or other similar provisions of law relating to the making or performance of Federal Government contracts, ocean transportation under titles II and III may be procured on the basis of such full and open competitive procedures. Resulting contracts may contain such terms and conditions, as the Administrator determines are necessary and appropriate.''; and

(B) by striking paragraph (4);

(4) in subsection (g)(2)—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(D) an assessment of the progress towards achieving food security in each country receiving food assistance from the United States Government, with special emphasis on the nutritional status of the poorest populations in each country.''; and

(5) by striking subsection (h).

SEC. 425. EXPIRATION DATE.

Section 408 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736b) is amended by striking ''1995'' and inserting ''2002''.

SEC. 426. REGULATIONS.

Section 409 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736c) is repealed.

SEC. 427. INDEPENDENT EVALUATION OF PROGRAMS.

Section 410 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736d) is repealed.

SEC. 428. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 412 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736f) is amended—

(1) by striking subsections (b) and (c) and inserting the following:

''(b) TRANSFER OF FUNDS.—Notwithstanding any other provision of law, the President may direct that—

''(1) up to 15 percent of the funds available for any fiscal year for carrying out title I or III of this Act be used to carry out any other title of this Act; and

''(2) up to 100 percent of funds available for title III be used to carry out title II.''; and

(2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(b) RELATION TO OTHER WAIVER.—Section 204(a)(3) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1724(a)(3)) is amended by inserting ''all authority to transfer from title I under section 412 has been exercised with respect to that fiscal year and'' after ''any fiscal year if''.

SEC. 429. COORDINATION OF FOREIGN ASSISTANCE PROGRAMS.

Section 413 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736g) is amended by inserting ''title III of'' before ''this Act'' each place it appears.

SEC. 430. USE OF CERTAIN LOCAL CURRENCY.

Title IV of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1731 et seq.) (as amended by section 222) is further amended by adding at the end the following:

''SEC. 416. USE OF CERTAIN LOCAL CURRENCY.

''Local currency payments received by the United States pursuant to agreements entered into under title I (as in effect on November 27, 1990) may be utilized by the Secretary in accordance with section 108 (as in effect on November 27, 1990).''.

SEC. 431. LEVEL OF ASSISTANCE TO FARMER TO FARMER PROGRAM.

Section 501(c) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1737(c)) is amended—

(1) by striking ''0.2'' and inserting ''0.4'';

(2) by striking ''0.1'' and inserting ''0.2''; and

(3) by striking ''1991 through 1995'' and inserting ''1996 through 2002''.

SEC. 432. FOOD SECURITY COMMODITY RESERVE.

(a) FOOD SECURITY COMMODITY RESERVE ACT OF 1995.—The title heading of title III of the Agricultural Act of 1980 (7 U.S.C. 1736f–1 note) is amended by striking ''**FOOD SECURITY WHEAT RESERVE ACT OF 1980**'' and inserting ''**FOOD SECURITY COMMODITY RESERVE ACT OF 1995**''.

(b) SHORT TITLE.—Section 301 of the Act (7 U.S.C. 1736f–1 note) is amended by striking ''Food Security Wheat Reserve Act of 1980'' and inserting ''Food Security Commodity Reserve Act of 1995''.

(c) IN GENERAL.—Section 302 of the Act (7 U.S.C. 1736f–1) is amended—

(1) in the section heading, by striking ''**FOOD SECURITY WHEAT RESERVE**'' and inserting ''**FOOD SECURITY COMMODITY RESERVE**'';

(2) so that subsection (a) reads as follows:

''(a) IN GENERAL.—To provide for a reserve solely to meet emergency humanitarian food needs in developing countries, the Secretary shall establish a reserve stock of wheat, rice, corn, or sorghum, or any combination of the commodities, totaling not more than 4,000,000 metric tons for use as described in subsection (c).'';

(3) so that subsection (b)(1) reads as follows:

''(b) COMMODITIES IN RESERVE.—

''(1) IN GENERAL.—The reserve established under this section shall consist of—

''(A) wheat in the reserve established under the Food Security Commodity Reserve Act of 1980 as of the date of enactment of the Food For Peace Reauthorization Act of 1995;

''(B) wheat, rice, corn, and sorghum (referred to in this section as 'eligible commodities') acquired in accordance with paragraph (2) to replenish eligible commodities released from the reserve, including wheat to replenish wheat released from the reserve established under the Food Security Wheat Reserve Act of 1980 but not replenished as of the date of enactment of the Food For Peace Reauthorization Act of 1995; and

''(C) such rice, corn, and sorghum as the Secretary of Agriculture (referred to in this section as the 'Secretary') may, at such time and in such manner as the Secretary determines appropriate, acquire as a result of exchanging an equivalent value of wheat in the reserve established under this section.'';

(4) in subsection (b)(2)—

(A) by striking ''(2)(A) Subject to'' and inserting the following:

''(2) REPLENISHMENT OF RESERVE.—

''(A) IN GENERAL.—Subject to'';

(B) in subparagraph (A)—

(i) by striking ''(i) of this section stocks of wheat'' and inserting ''(i) stocks of eligible commodities'';

(ii) in clause (ii), by striking ''stocks of wheat'' and inserting ''stocks of eligible commodities''; and

(iii) in the second sentence, by striking ''wheat'' and inserting ''eligible commodities''; and

(C) in subparagraph (B)—

(i) by striking ''(B) Not later'' and inserting ''(B) TIME FOR REPLENISHMENT OF RESERVE.—Not later''; and

(ii) in clause (ii), by striking ''wheat'' and inserting ''eligible commodities'';

(5) so that subsections (c) through (f) read as follows:

''(c) RELEASE OF ELIGIBLE COMMODITIES.—

''(1) DETERMINATION.—If the Secretary determines that the amount of commodities allocated for minimum assistance under section 204(a)(1) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1724(a)(1)) less the amount of commodities allocated for minimum non-emergency assistance under section 204(a)(2) of the Act (7 U.S.C. 1724(a)(2)) will be insufficient to meet the need for commodities for emergency assistance under section 202(a) of the Act (7 U.S.C. 1722(a)), the Secretary in any fiscal year may release from the reserve—

''(A) up to 500,000 metric tons of wheat or the equivalent value of eligible commodities other than wheat; and

''(B) any eligible commodities which under subparagraph (A) could have been released but were not released in prior fiscal years.

''(2) AVAILABILITY OF COMMODITIES.—Commodities released under paragraph (1) shall be made available under title II of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1721 et seq.) for emergency assistance.

''(3) EXCHANGE.—The Secretary may exchange an eligible commodity for another United States commodity of equal value, including powdered milk, pulses, and vegetable oil.

''(4) USE OF NORMAL COMMERCIAL PRACTICES.—To the maximum extend practicable consistent with the fulfillment of the purposes of this section and the effective and efficient administration of this section, the Secretary shall use the usual and customary channels, facilities, arrangements, and practices of the trade and commerce.

''(5) WAIVER OF MINIMUM TONNAGE REQUIREMENTS.—Nothing in this subsection shall require the exercise of the waiver under section 204(a)(3) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1724(a)(3)) as a prerequisite for the release of eligible commodities under this subsection.

''(d) TRANSPORTATION AND HANDLING COSTS.—

''(1) IN GENERAL.—The cost of transportation and handling of eligible commodities released from the reserve established under this section shall be paid by the Commodity Credit Corporation in accordance with section 406 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736).

''(2) REIMBURSEMENT.—

''(A) IN GENERAL.—The Commodity Credit Corporation shall be reimbursed for the costs incurred under paragraph (1) from the funds made available to carry out the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.).

''(B) BASIS FOR REIMBURSEMENT.—The reimbursement shall be made on the basis of the lesser of the actual cost incurred by the Commodity Credit Corporation less any savings achieved as a result of decreased storage and handling costs for the reserve.

''(C) DECREASED STORAGE AND HANDLING COSTS.—For purposes of this subsection, 'decreased storage and handling costs' shall mean the total actual costs for storage and handling incurred by the Commodity Credit Corporation for the reserve established under title III of the Agricultural Act of 1980 in fiscal year 1995 less the total actual costs for storage and handling incurred by the Corporation for the reserve established under this Act in the fiscal year for which the savings are calculated.

''(e) MANAGEMENT OF RESERVE.—The Secretary shall provide for—

''(1) the management of eligible commodities in the reserve as to location and quality of commodities needed to meet emergency situations; and

''(2) the periodic rotation of eligible commodities in the reserve to avoid spoilage and deterioration of such stocks.

''(f) TREATMENT OF RESERVE UNDER OTHER LAW.—Eligible commodities in the reserve established under this section shall not be—

''(1) considered a part of the total domestic supply (including carryover) for the purpose of administering the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.); and

''(2) subject to any quantitative limitation on exports that may be imposed under section 7 of the Export Administration Act of 1979 (50 U.S.C. App. 2406).'';

(6) in subsection (g)—

(A) by striking ''(g)(1) The'' and inserting the following:

''(g) USE OF COMMODITY CREDIT CORPORATION.—The'';

(B) by striking ''wheat'' and inserting ''an eligible commodity''; and

(C) by striking paragraph (2);

(7) in subsection (h)—

(A) by striking ''(h) Any'' and inserting:

''(h) FINALITY OF DETERMINATION.—Any''; and

(B) by striking ''President or the Secretary of Agriculture'' and inserting ''Secretary''; and

(8) in subsection (i)—

(A) by striking ''(i) The'' and inserting:

''(i) TERMINATION OF AUTHORITY.—The'';

(B) by striking ''wheat'' each place it appears and inserting ''eligible commodities''; and

(C) by striking ''1995'' each place it appears and inserting ''2002''.

(d) EFFECTIVE DATE.—Section 303 of the Act (7 U.S.C. 1736–1 note) is amended by striking ''October 1, 1980'' and all that follows through the end of the section and inserting ''on the date of enactment of this Act.''.

(e) CONFORMING AMENDMENT.—Section 208(d)(2) of the Agriculture Trade Suspension Adjustment Act of 1980 (7 U.S.C. 4001(d)(2)) is amended to read as follows:

''(2) APPLICABILITY OF CERTAIN PROVISIONS.—Subsections (b)(2), (c), (e), and (f) of section 302 of the Food Security Commodity Reserve Act of 1995 shall apply to commodities in any reserve established under paragraph (1), except that the references to 'eligible commodities' in the subsections shall be deemed to be references to 'agricultural commodities'.''.

SEC. 423. FOOD FOR PROGRESS PROGRAM.

The Food for Progress Act of 1985 (7 U.S.C. 1736o) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by striking ''(b)(1)'' and inserting ''(b)''; and

(ii) in the first sentence, by inserting ''intergovernmental organizations'' after ''cooperatives''; and

(B) by striking paragraph (2);

(2) in subsection (e)(4), by striking ''203'' and inserting ''406'';

(3) in subsection (f)—

(A) in paragraph (1), by striking ''in the case of the independent states of the former Soviet Union,'';

(B) by striking paragraph (2);

(C) in paragraph (4), by inserting ''in each of fiscal years 1996 through 2002'' after ''may be used''; and

(D) by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively;

(4) in subsection (g), by striking ''1995'' and inserting ''2002'';

(5) in subsection (j), by striking ''shall'' and inserting ''may'';

(6) in subsection (k), by striking ''1995'' and inserting ''2002'';

(7) in subsection (l)(1)—

(A) by striking ''1991 through 1995'' and inserting ''1996 through 2002''; and

(B) by inserting '', and to provide technical assistance for monetization programs,'' after ''monitoring of food assistance programs''; and

(8) in subsection (m)—

(A) by striking ''with respect to the independent states of the former Soviet Union'';

(B) by striking ''private voluntary organizations and cooperatives'' each place it appears and inserting ''agricultural trade organizations, intergovernmental organizations, private voluntary organizations, and cooperatives''; and

(C) in paragraph (2), by striking ''in the independent states''.

Subtitle C—Amendments to Agricultural Trade Act of 1978

SEC. 451. AGRICULTURAL EXPORT PROMOTION STRATEGY.

(a) IN GENERAL.—Section 103 of the Agricultural Trade Act of 1978 (7 U.S.C. 5603) is amended to read as follows:

''SEC. 103. AGRICULTURAL EXPORT PROMOTION STRATEGY.

''(a) IN GENERAL.—The Secretary shall develop a strategy for implementing Federal agricultural export promotion programs that takes into account the new market opportunities for agricultural products, including opportunities that result from—

''(1) the North American Free Trade Agreement and the Uruguay Round Agreements;

''(2) any accession to membership in the World Trade Organization;

''(3) the continued economic growth in the Pacific Rim; and

''(4) other developments.

''(b) PURPOSE OF STRATEGY.—The strategy developed under subsection (a) shall encourage the maintenance, development, and expansion of export markets for United States agricultural commodities and related products, including high-value and value-added products.

''(c) GOALS OF STRATEGY.—The strategy developed under subsection (a) shall have the following goals:

''(1) By September 30, 2002, increasing the value of annual United States agricultural exports to $60,000,000,000.

''(2) By September 30, 2002, increasing the United States share of world export trade in agricultural products significantly above the average United States share from 1993 through 1995.

''(3) By September 30, 2002, increasing the United States share of world trade in high-value agricultural products to 20 percent.

''(4) Ensuring that the value of United States exports of agricultural products increases at a faster rate than the rate of increase in the value of overall world export trade in agricultural products.

''(5) Ensuring that the value of United States exports of high-value agricultural products increases at a faster rate than the rate of increase in overall world export trade in high-value agricultural products.

''(6) Ensuring to the extent practicable that—

''(A) substantially all obligations undertaken in the Uruguay Round Agreement on Agriculture that provide significantly increased access for United States agricultural commodities are implemented to the extent required by the Uruguay Round Agreements; or

''(B) applicable United States trade laws are used to secure United States rights under the Uruguay Round Agreement on Agriculture.

''(d) PRIORITY MARKETS.—

''(1) IDENTIFICATION OF MARKETS.—In developing the strategy required under subsection (a), the Secretary shall identify as priority markets—

''(A) those markets in which imports of agricultural products show the greatest potential for increase by September 30, 2002; and

''(B) those markets in which, with the assistance of Federal export promotion programs, exports of United States agricultural products show the greatest potential for increase by September 30, 2002.

''(2) IDENTIFICATION OF SUPPORTING OFFICES.—The President shall identify annually in the budget of the United States Government submitted under section 1105 of title 31, United States Code, each overseas office of the Foreign Agricultural Service that provides assistance to United States exporters in each of the priority markets identified under paragraph (1).

''(e) REPORT.—Not later than December 31, 2001, the Secretary shall prepare and submit a report to Congress assessing progress in meeting the goals established by subsection (c).

''(f) FAILURE TO MEET GOALS.—Notwithstanding any other law, if the Secretary determines that more than 2 of the goals established by subsection (c) are not met by September 30, 2002, the Secretary may not carry out agricultural trade programs under the Agricultural Trade Act of 1978 (7 U.S.C. 5601 et seq.) as of that date.

''(g) NO PRIVATE RIGHT OF ACTION.—This section shall not create any private right of action.''.

(b) CONTINUATION OF FUNDING.—

(1) IN GENERAL.—If the Secretary of Agriculture makes a determination under section 103(f) of the Agricultural Trade Act of 1978 (as amended by subsection (a)), the Secretary shall utilize funds of the Commodity Credit Corporation to promote United States agricultural exports in a manner consistent with the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.) and obligations pursuant to the Uruguay Round Agreements.

(2) FUNDING.—The amount of Commodity Credit Corporation funds used to carry out paragraph (1) during a fiscal year shall not exceed the total outlays for agricultural trade programs under the Agricultural Trade Act of 1978 (7 U.S.C. 5601 et seq.) during fiscal year 2002.

(c) ELIMINATION OF REPORT.—

(1) IN GENERAL.—Section 601 of the Agricultural Trade Act of 1978 (7 U.S.C. 5711) is repealed.

(2) CONFORMING AMENDMENT.—The last sentence of section 603 of the Agricultural Trade Act of 1978 (7 U.S.C. 5713) is amended by striking '', in a consolidated report,'' and all that follows through ''section 601'' and inserting ''or in a consolidated report''.

SEC. 452. EXPORT CREDITS.

(a) EXPORT CREDIT GUARANTEE PROGRAM.—Section 202 of the Agricultural Trade Act of 1978 (7 U.S.C. 5622) is amended—

(1) in subsection (a)—

(A) by striking ''GUARANTEES.—The'' and inserting the following: ''GUARANTEES.—

''(1) IN GENERAL.—The''; and

(B) by adding at the end the following:

''(2) SUPPLIER CREDITS.—In carrying out this section, the Commodity Credit Corporation may issue guarantees for the repayment of credit made available for a period of not more than 180 days by a United States exporter to a buyer in a foreign country.'';

(2) in subsection (f)—

(A) by striking ''(f) RESTRICTIONS.—The'' and inserting the following:

''(f) RESTRICTIONS.—

''(1) IN GENERAL.—The''; and

(B) by adding at the end the following:

''(2) CRITERIA FOR DETERMINATION.—In making the determination required under paragraph (1) with respect to credit guarantees under subsection (b) for a country, the Secretary may consider, in addition to financial, macroeconomic, and monetary indicators—

''(A) whether an International Monetary Fund standby agreement, Paris Club rescheduling plan, or other economic restructuring plan is in place with respect to the country;

''(B) the convertibility of the currency of the country;

''(C) whether the country provides adequate legal protection for foreign investments;

''(D) whether the country has viable financial markets;

''(E) whether the country provides adequate legal protection for the private property rights of citizens of the country; and

''(F) any other factors that are relevant to the ability of the country to service the debt of the country.'';

(3) by striking subsection (h) and inserting the following:

''(h) UNITED STATES AGRICULTURAL COMPONENTS.—The Commodity Credit Corporation shall finance or guarantee under this section only United States agricultural commodities.'';

(4) in subsection (i)—

(A) by striking ''INSTITUTIONS.—A financial'' and inserting the following: ''INSTITUTIONS.—

''(1) IN GENERAL.—A financial'';

(B) by striking paragraph (1);

(C) by striking ''(2) is'' and inserting the following:

''(A) is'';

(D) by striking ''(3) is'' and inserting the following:

''(B) is''; and

(E) by adding at the end the following:

''(2) THIRD COUNTRY BANKS.—The Commodity Credit Corporation may guarantee under subsections (a) and (b) the repayment of credit made available to finance an export sale irrespective of whether the obligor is located in the country to which the export sale is destined.''; and

(5) by striking subsection (k) and inserting the following:

''(k) PROCESSED AND HIGH-VALUE PRODUCTS.—

''(1) IN GENERAL.—In issuing export credit guarantees under this section, the Commodity Credit Corporation shall, subject to paragraph (2), ensure that not less than 25 percent for each of fiscal years 1996 and 1997, 30 percent for each of fiscal years 1998 and 1999, and 35 percent for each of fiscal years 2000, 2001, and 2002, of the total amount of credit guarantees issued for a fiscal year is issued to promote the export of processed or high-value agricultural products and that the balance is issued to promote the export of bulk or raw agricultural commodities.

''(2) LIMITATION.—The percentage requirement of paragraph (1) shall apply for a fiscal

year to the extent that a reduction in the total amount of credit guarantees issued for the fiscal year is not required to meet the percentage requirement.''.

(b) FUNDING LEVELS.—Section 211(b) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641(b)) is amended—

(1) by striking paragraph (2);

(2) by redesignating subparagraph (B) of paragraph (1) as paragraph (2) and indenting the margin of paragraph (2) (as so redesignated) so as to align with the margin of paragraph (1); and

(3) by striking paragraph (1) and inserting the following:

''(1) EXPORT CREDIT GUARANTEES.—The Commodity Credit Corporation shall make available for each of fiscal years 1996 through 2002 not less than $5,500,000,000 in credit guarantees under subsections (a) and (b) of section 202.''.

(c) DEFINITIONS.—Section 102(7) of the Agricultural Trade Act of 1978 (7 U.S.C. 5602(7)) is amended by striking subparagraphs (A) and (B) and inserting the following:

''(A) an agricultural commodity or product entirely produced in the United States; or

''(B) a product of an agricultural commodity—

''(i) 90 percent or more of the agricultural components of which by weight, excluding packaging and added water, is entirely produced in the United States; and

''(ii) that the Secretary determines to be a United States high value agricultural product.''.

(d) REGULATIONS.—Not later than 180 days after the effective date of this title, the Secretary of Agriculture shall issue regulations to carry out the amendments made by this section.

SEC. 453. EXPORT PROGRAM AND FOOD ASSISTANCE TRANSFER AUTHORITY.

The Secretary of Agriculture shall fully utilize and aggressively implement the full range of agricultural export programs authorized in this Act and any other Act, in any combination, to help United States agriculture maintain and expand export markets, promote United States agricultural commodity and product exports, counter subsidized foreign competition, and capitalize on potential new market opportunities. Consistent with United States obligations under GATT, if the Secretary determines that funds available under 1 or more export subsidy programs cannot be fully or effectively utilized for such programs, the Secretary may utilize such funds for other authorized agricultural export and food assistance programs to achieve the above objectives and to further enhance the overall global competitiveness of United States agriculture. Funds so utilized shall be in addition to funds which may otherwise be authorized or appropriated for such other agricultural export programs.

SEC. 454. ARRIVAL CERTIFICATION.

Section 401 of the Agricultural Trade Act of 1978 (7 U.S.C. 5662(a)) is amended by striking subsection (a) and inserting the following:

''(a) ARRIVAL CERTIFICATION.—With respect to a commodity provided, or for which financing or a credit guarantee or other assistance is made available, under a program authorized in section 201, 202, or 301, the Commodity Credit Corporation shall require the exporter of the commodity to maintain records of an official or customary commercial nature or other documents as the Secretary may require, and shall allow representatives of the Commodity Credit Corporation access to the records or documents as needed, to verify the arrival of the commodity in the country that was the intended destination of the commodity.''.

SEC. 455. REGULATIONS.

Section 404 of the Agricultural Trade Act of 1978 (7 U.S.C. 5664) is repealed.

SEC. 456. FOREIGN AGRICULTURAL SERVICE.

Section 503 of the Agricultural Trade Act of 1978 (7 U.S.C. 5693) is amended to read as follows:

''SEC. 503. ESTABLISHMENT OF THE FOREIGN AGRICULTURAL SERVICE.

''The Service shall assist the Secretary in carrying out the agricultural trade policy and international cooperation policy of the United States by—

''(1) acquiring information pertaining to agricultural trade;

''(2) carrying out market promotion and development activities;

''(3) providing agricultural technical assistance and training; and

''(4) carrying out the programs authorized under this Act, the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.), and other Acts.''.

SEC. 457. REPORTS.

The first sentence of section 603 of the Agricultural Trade Act of 1978 (7 U.S.C. 5713) is amended by striking ''The'' and inserting ''Subject to section 217 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6917), the''.

Subtitle D—Miscellaneous

SEC. 471. REPORTING REQUIREMENTS RELATING TO TOBACCO.

Section 214 of the Tobacco Adjustment Act of 1983 (7 U.S.C. 509) is repealed.

SEC. 472. TRIGGERED EXPORT ENHANCEMENT.

(a) READJUSTMENT OF SUPPORT LEVELS.—Section 1302 of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101–508; 7 U.S.C. 1421 note) is repealed.

(b) TRIGGERED MARKETING LOANS AND EXPORT ENHANCEMENT.—Section 4301 of the Omnibus Trade and Competitiveness Act of 1988 (Public Law 100–418; 7 U.S.C. 1446 note) is repealed.

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective beginning with the 1996 crops of wheat, feed grains, upland cotton, and rice.

SEC. 473. DISPOSITION OF COMMODITIES TO PREVENT WASTE.

Section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by inserting after the first sentence the following: ''The Secretary may use funds of the Commodity Credit Corporation to cover administrative expenses of the programs.'';

(B) in paragraph (7)(D)(iv), by striking ''one year of acquisition'' and all that follows and inserting the following: ''a reasonable length of time, as determined by the Secretary, except that the Secretary may permit the use of proceeds in a country other than the country of origin—

''(I) as necessary to expedite the transportation of commodities and products furnished under this subsection; or

''(II) if the proceeds are generated in a currency generally accepted in the other country.'';

(C) in paragraph (8), by striking subparagraph (C); and

(D) by striking paragraphs (10), (11), and (12); and

(2) by striking subsection (c).

SEC. 474. DEBT-FOR-HEALTH-AND-PROTECTION SWAP.

(a) IN GENERAL.—Section 1517 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1706) is repealed.

(b) CONFORMING AMENDMENT.—Subsection (e)(3) of the Food for Progress Act of 1985 (7 U.S.C. 1736o(e)(3)) is amended by striking ''section 106'' and inserting ''section 103''.

SEC. 475. POLICY ON EXPANSION OF INTERNATIONAL MARKETS.

Section 1207 of the Agriculture and Food Act of 1981 (7 U.S.C. 1736m) is repealed.

SEC. 476. POLICY ON MAINTENANCE AND DEVELOPMENT OF EXPORT MARKETS.

Section 1121 of the Food Security Act of 1985 (7 U.S.C. 1736p) is amended—

(1) by striking subsection (a); and

(2) in subsection (b)—

(A) by striking ''(b)''; and

(B) by striking paragraphs (1) through (4) and inserting the following:

''(1) be the premier supplier of agricultural and food products to world markets and expand exports of high value products;

''(2) support the principle of free trade and the promotion of fair trade in agricultural commodities and products;

''(3) cooperate fully in all efforts to negotiate with foreign countries further reductions in tariff and nontariff barriers to trade, including sanitary and phytosanitary measures and trade-distorting subsidies;

''(4) aggressively counter unfair foreign trade practices as a means of encouraging fairer trade;''.

SEC. 477. POLICY ON TRADE LIBERALIZATION.

Section 1122 of the Food Security Act of 1985 (7 U.S.C. 1736q) is repealed.

SEC. 478. AGRICULTURAL TRADE NEGOTIATIONS.

Section 1123 of the Food Security Act of 1985 (7 U.S.C. 1736r) is amended to read as follows:

''SEC. 1123. TRADE NEGOTIATIONS POLICY.

''(a) FINDINGS.—Congress finds that—

''(1) on a level playing field, United States producers are the most competitive suppliers of agricultural products in the world;

''(2) exports of United States agricultural products will account for $54,000,000,000 in 1995, contributing a net $24,000,000,000 to the merchandise trade balance of the United States and supporting approximately 1,000,000 jobs;

''(3) increased agricultural exports are critical to the future of the farm, rural, and overall United States economy, but the opportunities for increased agricultural exports are limited by the unfair subsidies of the competitors of the United States, and a variety of tariff and nontariff barriers to highly competitive United States agricultural products;

''(4) international negotiations can play a key role in breaking down barriers to United States agricultural exports;

''(5) the Uruguay Round Agreement on Agriculture made significant progress in the attainment of increased market access opportunities for United States exports of agricultural products, for the first time—

''(A) restraining foreign trade-distorting domestic support and export subsidy programs; and

''(B) developing common rules for the application of sanitary and phytosanitary restrictions;

that should result in increased exports of United States agricultural products, jobs, and income growth in the United States;

''(6) the Uruguay Round Agreement on Agriculture did not succeed in completely eliminating trade distorting domestic support and export subsidies by—

''(A) allowing the European Union to continue unreasonable levels of spending on export subsidies; and

''(B) failing to discipline monopolistic state trading entities, such as the Canadian Wheat Board, that use nontransparent and discriminatory pricing as a hidden de facto export subsidy;

''(7) during the period 1996 through 2002, there will be several opportunities for the United States to negotiate fairer trade in agricultural products, including further negotiations under the World Trade Organization,

and steps toward possible free trade agreements of the Americas and Asian-Pacific Economic Cooperation (APEC); and

''(8) the United States should aggressively use these opportunities to achieve more open and fair opportunities for trade in agricultural products.

''(b) GOALS OF THE UNITED STATES IN AGRICULTURAL TRADE NEGOTIATIONS.—The objectives of the United States with respect to future negotiations on agricultural trade include—

''(1) increasing opportunities for United States exports of agricultural products by eliminating tariff and nontariff barriers to trade;

''(2) leveling the playing field for United States producers of agricultural products by limiting per unit domestic production supports to levels that are no greater than those available in the United States;

''(3) ending the practice of export dumping by eliminating all trade distorting export subsidies and disciplining state trading entities so that they do not (except in cases of bona fide food aid) sell in foreign markets at below domestic market prices nor their full costs of acquiring and delivering agricultural products to the foreign markets; and

''(4) encouraging government policies that avoid price-depressing surpluses.''.

SEC. 479. POLICY ON UNFAIR TRADE PRACTICES.

Section 1164 of the Food Security Act of 1985 (Public Law 99–198; 99 Stat. 1499) is repealed.

SEC. 480. AGRICULTURAL AID AND TRADE MISSIONS.

(a) IN GENERAL.—The Agricultural Aid and Trade Missions Act (7 U.S.C. 1736bb et seq.) is repealed.

(b) CONFORMING AMENDMENT.—Section 7 of Public Law 100–277 (7 U.S.C. 1736bb note) is repealed.

SEC. 481. ANNUAL REPORTS BY AGRICULTURAL ATTACHES.

Section 108(b)(1)(B) of the Agricultural Act of 1954 (7 U.S.C. 1748(b)(1)(B)) is amended by striking ''including fruits, vegetables, legumes, popcorn, and ducks''.

SEC. 482. WORLD LIVESTOCK MARKET PRICE INFORMATION.

Section 1545 of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101–624; 7 U.S.C. 1761 note) is repealed.

SEC. 483. ORDERLY LIQUIDATION OF STOCKS.

Sections 201 and 207 of the Agricultural Act of 1956 (7 U.S.C. 1851 and 1857) are repealed.

SEC. 484. SALES OF EXTRA LONG STAPLE COTTON.

Section 202 of the Agricultural Act of 1956 (7 U.S.C. 1852) is repealed.

SEC. 485. REGULATIONS.

Section 707 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (Public Law 102–511; 7 U.S.C. 5621 note) is amended by striking subsection (d).

SEC. 486. EMERGING MARKETS.

(a) PROMOTION OF AGRICULTURAL EXPORTS TO EMERGING MARKETS.—

(1) EMERGING MARKETS.—Section 1542 of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101–624; 7 U.S.C. 5622 note) is amended—

(A) in the section heading, by striking ''**EMERGING DEMOCRACIES**'' and inserting ''**EMERGING MARKETS**'';

(B) by striking ''emerging democracies'' each place it appears in subsections (b), (d), and (e) and inserting ''emerging markets'';

(C) by striking ''emerging democracy'' each place it appears in subsection (c) and inserting ''emerging market''; and

(D) by striking subsection (f) and inserting the following:

''(f) EMERGING MARKET.—In this section and section 1543, the term 'emerging market' means any country that the Secretary determines—

''(1) is taking steps toward a market-oriented economy through the food, agriculture, or rural business sectors of the economy of the country; and

''(2) has the potential to provide a viable and significant market for United States agricultural commodities or products of United States agricultural commodities.''.

(2) FUNDING.—Section 1542 of the Food, Agriculture, Conservation, and Trade Act of 1990 is amended by striking subsection (a) and inserting the following:

''(a) FUNDING.—The Commodity Credit Corporation shall make available for fiscal years 1996 through 2002 not less than $1,000,000,000 of direct credits or export credit guarantees for exports to emerging markets under section 201 or 202 of the Agricultural Trade Act of 1978 (7 U.S.C. 5621 and 5622), in addition to the amounts acquired or authorized under section 211 of the Act (7 U.S.C. 5641) for the program.''.

(3) AGRICULTURAL FELLOWSHIP PROGRAM.—Section 1542 of the Food, Agriculture, Conservation, and Trade Act of 1990 is amended—

(A) in subsection (b), by striking the last sentence and inserting the following: ''The Commodity Credit Corporation shall give priority under this subsection to—

''(A) projects that encourage the privatization of the agricultural sector or that benefit private farms or cooperatives in emerging markets; and

''(B) projects for which nongovernmental persons agree to assume a relatively larger share of the costs.''; and

(B) in subsection (d)—

(i) in the matter preceding paragraph (1), by striking ''the Soviet Union'' and inserting ''emerging markets'';

(ii) in paragraph (1)—

(I) in subparagraph (A)(i)—

(aa) by striking ''1995'' and inserting ''2002''; and

(bb) by striking ''those systems, and identify'' and inserting ''the systems, including potential reductions in trade barriers, and identify and carry out'';

(II) in subparagraph (B), by striking ''shall'' and inserting ''may'';

(III) in subparagraph (D), by inserting ''(including the establishment of extension services)'' after ''technical assistance'';

(IV) by striking subparagraph (F);

(V) by redesignating subparagraphs (G), (H), and (I) as subparagraphs (F), (G), and (H), respectively; and

(VI) in subparagraph (H) (as redesignated by subclause (V)), by striking ''$10,000,000'' and inserting ''$20,000,000'';

(iii) in paragraph (2)—

(I) by striking ''the Soviet Union'' each place it appears and inserting ''emerging markets'';

(II) in subparagraph (A), by striking ''a free market food production and distribution system'' and inserting ''free market food production and distribution systems'';

(III) in subparagraph (B)—

(aa) in clause (i), by striking ''Government'' and inserting ''governments'';

(bb) in clause (iii)(II), by striking ''and'' at the end;

(cc) in clause (iii)(III), by striking the period at the end and inserting ''; and''; and

(dd) by adding at the end of clause (iii) the following:

''(IV) to provide for the exchange of administrators and faculty members from agricultural and other institutions to strengthen and revise educational programs in agricultural economics, agribusiness, and agrarian law, to support change towards a free market economy in emerging markets.'';

(IV) by striking subparagraph (D); and by redesignating subparagraph (E) as subparagraph (D); and

(iv) by striking paragraph (3).

(4) UNITED STATES AGRICULTURAL COMMODITY.—Subsections (b) and (c) of section 1542 of the Food, Agriculture, Conservation, and Trade Act of 1990 are amended by striking ''section 101(6)'' each place it appears and inserting ''section 102(7)''.

(5) REPORT.—The first sentence of section 1542(e)(2) of the Food, Agriculture, Conservation, and Trade Act of 1990 is amended by striking ''Not'' and inserting ''Subject to section 217 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6917), not''.

(b) AGRICULTURAL FELLOWSHIP PROGRAM FOR MIDDLE INCOME COUNTRIES, EMERGING DEMOCRACIES, AND EMERGING MARKETS.—Section 1543 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 3293) is amended—

(1) in the section heading, by striking ''**MIDDLE INCOME COUNTRIES AND EMERGING DEMOCRACIES**'' and inserting ''**MIDDLE INCOME COUNTRIES, EMERGING DEMOCRACIES, AND EMERGING MARKETS**'';

(2) in subsection (b), by adding at the end the following:

''(5) EMERGING MARKET.—Any emerging market, as defined in section 1542(f).''; and

(3) in subsection (c)(1), by striking ''food needs'' and inserting ''food and fiber needs''.

(c) CONFORMING AMENDMENTS.—

(1) Section 501 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1737) is amended—

(A) in subsection (a), by striking ''emerging democracies'' and inserting ''emerging markets''; and

(B) in subsection (b), by striking paragraph (1) and inserting the following:

''(1) EMERGING MARKET.—The term 'emerging market' means any country that the Secretary determines—

''(A) is taking steps toward a market-oriented economy through the food, agriculture, or rural business sectors of the economy of the country; and

''(B) has the potential to provide a viable and significant market for United States agricultural commodities or products of United States agricultural commodities.''.

(2) Section 201(d)(1)(C)(ii) of the Agricultural Trade Act of 1978 (7 U.S.C. 5621(d)(1)(C)(ii)) is amended by striking ''emerging democracies'' and inserting ''emerging markets''.

(3) Section 202(d)(3)(B) of the Agricultural Trade Act of 1978 (7 U.S.C. 5622(d)(3)(B)) is amended by striking ''emerging democracies'' and inserting ''emerging markets''.

SEC. 487. IMPLEMENTATION OF COMMITMENTS UNDER URUGUAY ROUND AGREEMENTS.

Part III of subtitle A of title IV of the Uruguay Round Agreements Act (Public Law 103–465; 108 Stat. 4964) is amended by adding at the end the following:

''SEC. 427. IMPLEMENTATION OF COMMITMENTS UNDER URUGUAY ROUND AGREEMENTS.

''Not later than September 30 of each fiscal year, the Secretary of Agriculture shall determine whether the obligations undertaken by foreign countries under the Uruguay Round Agreement on Agriculture are being fully implemented. If the Secretary of Agriculture determines that any foreign country, by not implementing the obligations of the country, is significantly constraining an opportunity for United States agricultural exports, the Secretary shall—

''(1) submit to the United States Trade Representative a recommendation as to

whether the President should take action under any provision of law; and

''(2) transmit a copy of the recommendation to the Committee on Agriculture, the Committee on International Relations, and the Committee on Ways and Means, of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry, and the Committee on Finance, of the Senate.''.

SEC. 488. SENSE OF CONGRESS CONCERNING MULTILATERAL DISCIPLINES ON CREDIT GUARANTEES.

It is the sense of Congress that—

(1) in negotiations to establish multilateral disciplines on agricultural export credits and credit guarantees, the United States should not agree to any arrangement that is incompatible with the provisions of United States law that authorize agricultural export credits and credit guarantees;

(2) in the negotiations (which are held under the auspices of the Organization for Economic Cooperation and Development), the United States should not reach any agreement that fails to impose disciplines on the practices of foreign government trading entities such as the Australian Wheat Board and Canadian Wheat Board; and

(3) the disciplines should include greater openness in the operations of the entities as long as the entities are subsidized by the foreign government or have monopolies for exports of a commodity that are sanctioned by the foreign government.

SEC. 489. FOREIGN MARKET DEVELOPMENT COOPERATOR PROGRAM.

The Agricultural Trade Act of 1978 (7 U.S.C. 5601 et seq.) is amended by adding at the end the following:

''TITLE VII—FOREIGN MARKET DEVELOPMENT COOPERATOR PROGRAM

''SEC. 701. DEFINITION OF ELIGIBLE TRADE ORGANIZATION.

''In this title, the term 'eligible trade organization' means a United States trade organization that—

''(1) promotes the export of 1 or more United States agricultural commodities or products; and

''(2) does not have a business interest in or receive remuneration from specific sales of agricultural commodities or products.

''SEC. 702. FOREIGN MARKET DEVELOPMENT COOPERATOR PROGRAM.

''(a) IN GENERAL.—The Secretary shall establish and, in cooperation with eligible trade organizations, carry out a foreign market development cooperator program to maintain and develop foreign markets for United States agricultural commodities and products.

''(b) ADMINISTRATION.—Funds made available to carry out this title shall be used only to provide—

''(1) cost-share assistance to an eligible trade organization under a contract or agreement with the organization; and

''(2) assistance for other costs that are necessary or appropriate to carry out the foreign market development cooperator program, including contingent liabilities that are not otherwise funded.

''SEC. 703. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this title such sums as may be necessary for each of fiscal years 1996 through 2002.''.

Subtitle E—Dairy Exports

SEC. 491. DAIRY EXPORT INCENTIVE PROGRAM.

(a) IN GENERAL.—Section 153(c) of the Food Security Act of 1985 (15 U.S.C. 713a–14(c)) is amended—

(1) by striking ''and'' at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting '';''; and

(3) by adding at the end the following new paragraphs:

''(3) the maximum volume of dairy product exports allowable consistent with the obligations of the United States as a member of the World Trade Organization are exported under the program each year (minus the volume sold under section 1163 of the Food Security Act of 1985 (7 U.S.C. 1731 note) during that year), except to the extent that the export of such a volume under the program would, in the judgment of the Secretary, exceed the limitations on the value set forth in subsection (f); and

(4) payments may be made under the program for exports to any destination in the world for the purpose of market development, except a destination in a country with respect to which shipments from the United States are otherwise restricted by law.''.

(b) SOLE DISCRETION.—Section 153(b) of the Food Security Act of 1985 (15 U.S.C. 713a–14(b)) is amended by inserting ''sole'' before ''discretion''.

(c) MARKET DEVELOPMENT.—Section 153(e)(1) of the Food Security Act of 1985 (15 U.S.C. 713a–14(e)(1)) is amended—

(1) by striking ''and'' and inserting ''the''; and

(2) by inserting before the period the following: '', and any additional amount that may be required to assist in the development of world markets for United States dairy products''.

(d) MAXIMUM ALLOWABLE AMOUNTS.—Section 153 of the Food Security Act of 1985 (15 U.S.C. 713a–14) is amended by adding at the end the following:

''(f) REQUIRED FUNDING.—The Commodity Credit Corporation shall in each year use money and commodities for the program under this section in the maximum amount consistent with the obligations of the United States as a member of the World Trade Organization, minus the amount expended under section 1163 of the Food Security Act of 1985 (7 U.S.C. 1731 note) during that year. However, the Commodity Credit Corporation may not exceed the limitations specified in subsection (c)(3) on the volume of allowable dairy product exports.''.

(e) CONFORMING AMENDMENT.—Section 153(a) of the Food Security Act of 1985 (15 U.S.C. 713a–14(a)) is amended by striking ''2001'' and inserting ''2002''.

SEC. 492. AUTHORITY TO ASSIST IN ESTABLISHMENT AND MAINTENANCE OF EXPORT TRADING COMPANY.

The Secretary of Agriculture shall, consistent with the obligations of the United States as a member of the World Trade Organization, provide such advice and assistance to the United States dairy industry as may be necessary to enable that industry to establish and maintain an export trading company under the Export Trading Company Act of 1982 (15 U.S.C. 4001 et seq.) for the purpose of facilitating the international market development for and exportation of dairy products produced in the United States.

SEC. 493. STANDBY AUTHORITY TO INDICATE ENTITY BEST SUITED TO PROVIDE INTERNATIONAL MARKET DEVELOPMENT AND EXPORT SERVICES.

(a) INDICATION OF ENTITY BEST SUITED TO ASSIST INTERNATIONAL MARKET DEVELOPMENT FOR AND EXPORT OF UNITED STATES DAIRY PRODUCTS.—If—

(1) the United States dairy products has not established an export trading company under the Export Trading Company Act of 1982 (15 U.S.C. 4001 et seq.) for the purpose of facilitating the international market development for and exportation of dairy products produced in the United States on or before June 30, 1996; or

(2) the quantity of exports of United States dairy products during the 12-month period preceding July 1, 1997 does not exceed the quantity of exports of United States dairy products during the 12-month period preceding July 1, 1996 by 1.5 billion pounds (milk equivalent, total solids basis);

the Secretary of Agriculture is directed to indicate which entity autonomous of the Government of the United States is best suited to facilitate the international market development for and exportation of United States dairy products.

(b) FUNDING OF EXPORT ACTIVITIES.—The Secretary shall assist the entity in identifying sources of funding for the activities specified in subsection (a) from within the dairy industry and elsewhere.

(c) APPLICATION OF SECTION.—This section shall apply only during the period beginning on July 1, 1997 and ending on September 30, 2000.

SEC. 494. STUDY AND REPORT REGARDING POTENTIAL IMPACT OF URUGUAY ROUND ON PRICES, INCOME AND GOVERNMENT PURCHASES.

(a) STUDY.—The Secretary of Agriculture shall conduct a study, on a variety by variety of cheese basis, to determine the potential impact on milk prices in the United States, dairy producer income, and Federal dairy program costs, of the allocation of additional cheese granted access to the United States as a result of the obligations of the United States as a member of the World Trade Organization.

(b) REPORT.—Not later than June 30, 1997, the Secretary shall report to the Committees on Agriculture of the Senate and the House of Representatives the results of the study conducted under this section.

(c) RULE OF CONSTRUCTION.—Any limitation imposed by Act of Congress on the conduct or completion of studies or reports to Congress shall not apply to the study and report required under this section unless such limitation explicitly references this section in doing so.

SEC. 495. PROMOTION OF UNITED STATES DAIRY PRODUCTS IN INTERNATIONAL MARKETS THROUGH DAIRY PROMOTION PROGRAM.

Section 113(e) of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4504(e)) is amended by adding at the end the following new sentence: ''For each of the fiscal years 1996 through 2000, the Board's budget shall provide for the expenditure of not less than 10 percent of the anticipated revenues available to the Board to develop international markets for, and to promote within such markets, the consumption of dairy products produced in the United States from milk produced in the United States.''.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Wisconsin [Mr. ROTH] and a Member opposed will each be recognized for 15 minutes.

Is the gentleman from Kansas [Mr. ROBERTS] opposed to the amendment?

Mr. ROBERTS. Yes, Madam Chairman, I am.

The CHAIRMAN pro tempore. The gentleman from Kansas [Mr. ROBERTS] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, we all heard the arguments, here on the floor, that under this bill Congress is basically phasing out Federal Government support for agriculture.

People on our farms work 7 days a week—52 weeks a year—to put food on

our tables. We can not abandon these people. What the farmers need are markets.

If we make it possible for our farmers to export that will be more beneficial than any Government program. Today, many overseas doors are slammed shut to our farmers.

As chairman of the Trade Subcommittee, I can tell you that, without a doubt, our foreign competitors are rubbing their hands with glee. They are anticipating the opportunity to grab our market share.

We are not going to let foreign agriculture decimate our domestic agricultural industry and rob us of our overseas markets.

The Senate bill has addressed this issue. The Senate understands that we need to continue helping our farmers with opening markets.

This amendment reauthorizes our farm export credit programs. These initiatives are essential if American agriculture is to be competitive in international markets.

This amendment continues, for example, our Public Law 480 Food Program.

As has been referred to here on the floor, the Agriculture Committee has held hearings on this bill all over America and the message from America's farmers is that they want a chance to compete in markets here at home and in markets overseas. This amendment makes that possible.

This amendment also makes the remaining programs more efficient by eliminating outdated rules.

Due to the welter of change taking place in agriculture, we must reduce the level of bureaucracy and give more elbow room to the Secretary of Agriculture.

We have seen in the Presidential primaries that unfair trade practices are receiving, as they should, the attention of the American people. This amendment combats unfair trade practices.

All of our competitors are subsidizing their farmers and exporters. Without this amendment, American farmers have no defenses against unfair trade practices.

Therefore, our farmers are asking for this amendment, so they will not be totally disadvantaged in competition for overseas markets.

The 1995 trade figures are in, and the merchandise deficit was $174 billion. Agriculture was the one bright light.

We increased our farm exports by $10 billion. Why? Because these programs made that success possible. They are trade lifelines to American farmers.

This amendment is essential to continuing our exports of farm products.

Without this amendment, our trade deficit will get worse and worse. That is why every major farm group is supporting this amendment.

This amendment provides the leadership that our farmers are crying out for.

I ask a ''yes'' vote on this amendment.

Madam Chairman, I reserve the balance of my time.

Mr. ROBERTS. Madam Chairman, I yield 3 minutes to the gentlewoman from Idaho [Mrs. CHENOWETH], a valued member of the committee.

Mrs. CHENOWETH. Madam Chairman, I thank the gentleman from Kansas for yielding time to me, and I thank the chairman of the Committee on Agriculture for all of his hard work. This has been a difficult road and the expertise that we have seen and his leadership has been remarkable.

I rise in opposition to the Roth amendment because, the Roth amendment preempts a careful, reasoned formulation of agriculture trade policy and strategy for the next 7 years. The Roth amendment sets forth a 7-year plan for U.S. food assistance and a 7-year plan for an agriculture trade strategy and agriculture export programs. This is accomplished without the benefit of any discussion or consultation with members of the committee of jurisdiction, the Agriculture Committee. Not only does the Roth amendment reject the ideas of members of the Agriculture Committee, it rejects and precludes the ideas of the other members of the Committee on International Relations.

The Roth amendment takes the Senate-passed provisions on agriculture export programs and trade strategy and adopts them. No House Members are given the opportunity to have their views on agriculture export programs and trade incorporated. The House of Representatives should not rubberstamp the actions of the Senate.

Members of the Agriculture Committee have introduced a comprehensive bill to provide American farmers with regulatory relief that will enable them to compete in a very competitive global environment. It is the intention of the chairman of the Agriculture Committee to consider this bill and have the final product reflect the views of members of the Agriculture Committee. The Roth amendment precludes this step for agriculture trade programs.

The authors of this amendment assume they have the final word on agriculture export policy. By taking the Senate language they have cut off debate. The Roth amendment effectively ends discussions and reforms of important agriculture export programs such as the market Promotion Program and the Export Enhancement program. It cuts off debate on this very important subject—one that is essential to the prosperity of U.S. farmers. This is wrong, especially in a time that our competitors are rearming and setting up programs to gain control of global markets in the Pacific Rim and Latin America.

The Roth amendment is short-sighted in its agriculture trade strategy. By setting a goal of increasing agriculture exports to $60 billion by 2002, it effectively holds our current trade levels in place. According to USDA, agriculture exports will reach the $60 billion level this year. The Roth amendment wants to maintain the status quo for agriculture trade. This would be a disaster for U.S. farmers and ranchers—the most efficient and productive in the word—who depend on export markets.

The Roth amendment terminates all agriculture export programs if the unilateral goals of the amendment's trade strategy are not met. A trade strategy in which not one member of the Agriculture Committee and only a few in the International Relations committee participated should not dictate the future of American agriculture.

Members of the Agriculture Committee want to participate in formulation of an agriculture and trade policy essential to the well-being of U.S. farmers. All Members will be precluded from participating in this debate under the Roth amendment. Amendments Members want to include in a farm bill trade title include:

Protection from trade embargoes that have a detrimental effect on agriculture producers. Embargoes cede world market share to our competitors. The Roth amendment offers no protection for U.S. farmers against devastating trade embargoes.

Requiring the Secretary to monitor compliance of the World Trade Organization member countries with the GATT provisions on sanitary and phytosanitary measures. U.S. farmers can be wiped out by nontariff trade barriers erected by foreign countries. Our farmers have experienced this in the past and we want to take steps to prevent this from happening again.

Reform of the credit-worthiness standards for the credit guarantee program so that financing requirements can better match the credit guarantee. We need to update our credit programs to take advantage of all export opportunities available.

Significant reform of the Market Promotion Program and the Export Enhancement Program. These are two of the essential programs needed to counteract the trade practices of our competitors. We want to ensure they are responsible, flexible, and respond to current trade situations.

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Mr. ROTH. Madam Chairman, I yield 2 minutes to the gentleman from New York [Mr. GILMAN], the chairman of the Committee on International Relations, the committee of jurisdiction in this area.

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Madam Chairman, I thank the gentleman for yielding me the time.

Madam Chairman, I support Chairman ROBERTS' bill and hope that it is expeditiously passed by the House and signed by the President. I want to work with him and the leadership to make certain that our demonestic agriculture programs are put on a firm footing following the expiration of the 1990 farm bill. I want to commend on distinguished Agriculture Committee chairman Mr. ROBERTS, for an excellent bill and for his diligent, hard work on behalf of America's farmers.

I sponsored the amendment now before us in the hope of bringing agricultural trade and aid programs into the bill before us.

As members of the Agriculture Committee are aware, the International Relations Committee shares jurisdiction with the Agriculture Committee over agricultural trade issues and international food aid programs. Our committee marked up our portions of both the 1985 and 1990 farm bills and had a major impact on their final product. Many members of my committee, most notably Messrs. BEREUTER, ROTH, and HAMILTON, strongly support our international trade and aid programs that directly benefit U.S. agriculture. We held hearings this summer on both trade and aid issues.

It is my understanding that the Senate companion to the bill before us included both the trade and aid reauthorizations in the final bill that passed the Senate floor. It is my understanding that the Senate would like to see trade and aid programs authorized in the legislation now to come before the House. It is also my understanding that the administration, specifically the U.S. Agency for International Development, supports this amendment as presented here today, along with CARE, Catholic Relief Services, Save the Children, World Vision, and many other international humanitarian organizations ending hunger around the world.

In short, the amendment would reauthorize trade and aid programs for the term of the farm bill. We were not insisting on specifics—that is for the upcoming conference. We merely want to improve the chances of language authorizing these programs to survive the upcoming conference on the farm bill.

I want to thank Messrs. ROTH, HALL, and HAMILTON for their support on this amendment. I also want to especially thank Mr. BEREUTER and his staff for the work they have contributed to it. I look forward to working with them, Chairman ROBERTS and the leadership to resolve these issues to ensure America's agricultural trade and aid programs remain a strong part of our economic and foreign policy. I strongly urge Members to support the Gilman-Hamilton-Roth-Bereuter-Hall amendment.

Mr. ROBERTS. Madam Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. HOKE].

Mr. HOKE. Madam Chairman, I thank the gentleman for yielding me the time, and I thank the chairman for the work he has done on this bill. It has been a long hard road for the chairman, I know, and we all appreciate the work he has done.

Madam Chairman, I am speaking in opposition to this amendment and in support of the chairman's position here. I think it is a terrible mistake to try to ram through another 7 years of these programs without the debate that they deserve.

Madam Chairman, I want to speak specifically to one of these programs, Public Law 480, because if I had the opportunity to participate in the debate about Public Law 480, this is what I would say: The program, Public Law 480 and particularly title I in Public Law 480, is often euphemistically called food for peace or humanitarian aid. But the fact is that we cover humanitarian aid under title III of Public Law 480. In fact what title I is all about is corporate welfare for agriconglomerates and we are not even talking about American agriconglomerates. Look at the figures. The No. 3 recipient of these subsidies from 1990 through 1995 was Bunge Corp. of Germany, $258 million; Louis Dreyfus Corp. of France, No. 4, $236 million. Then we have Toshoku Inc., Japanese company, $64 million; Mitsubishi, Japanese company, $50 million; Marubeni America Corp., a Japanese company, $37 million; Gersony-Strauss and Zen-Noh Grain, another Japanese company.

These are not American companies. Yet that is where our U.S. taxpayer dollars are going in this Public Law 480 title I program. That is not right. It is not right to use American taxpayer dollars that way. Not only that, not only that, but by giving away these farm products to less developed countries, what we are doing is we are making it impossible for self-sustained independent agricultural economies to develop in these countries. We lower the price at which Third World farmers can sell their crops, we depress the local food supplies and we make it harder for those poor countries to feed themselves in the long run.

This is not humanitarian aid. It is covered under title III. There is plenty of humanitarian aid. But what we are doing instead of teaching people how to fish, we give them the fish and then we entrap them in this program that comes under the guise of food for peace or humanitarian aid, when we know doggone well that what it really is about is, it is really about corporate U.S. taxpayer welfare for agriconglomerates, many of whom, with hundreds of millions of dollars in receipts, are actually foreign-owned companies.

Madam Chairman, I include the following data for the RECORD:

PUBLIC LAW 480, TITLE I SUPPLIER SUBSIDIES FOR FISCAL YEARS 1990–95

Name	Amount	Percent
1. Continental Grain Co. Inc. (US) [a]	$523,245,770.00	21.24
2. Cargill Inc. (US) [b]	456,611,376.90	18.54
3. Bunge Corp. (Germany) [c]	258,191,751.00	10.48
4. Louis Dreyfus Corp. (France) [d]	236,665,060.90	9.61
5. Archer Daniels Midland Co. Inc. (US) [e]	135,223,076.30	5.49
6. ConAgra Inc. (US) [f]	92,573,510.73	3.76
7. Goldman Sachs Group, LP (US) [g]	66,725,631.11	2.71
8. Toshoku America Inc. (Japan)	64,639,493.90	2.62
9. Farmland Industries Inc. (US)	59,864,466.84	2.43
10. Harvest States Cooperatives Inc. (US) [h]	52,513,100.43	2.13
11. Mitsubishi Int'l Corp. (Japan) [i]	49,943,857.86	2.03
12. Marubeni America Corp. (Japan) [j]	37,165,648.19	1.51
13. Gersony-Strauss Co. Inc. (US) [k]	33,127,828.76	1.34
14. Zen-Noh Grain Corp. (Japan) [l]	29,019,459.21	1.18
15. Central States Enterprises (US) [m]	25,700,677.71	1.04

[a]—1996 Forbes 500 largest private company rating: #4.
[b]—1996 Forbes 500 largest private company rating: #1.
[c]—1994 US subsidiary sales of $1.3 billion.
[d]—1994 US subsidiary sales of $1.1 billion.
[e]—1994 Forbes 500 largest public company rating: #76 (1995 sales of $12.8 billion with $643.6 million in net profits).
[f]—1994 Forbes 500 largest public company rating: #21 (1995 sales of $24.3 billion with $477 million in net profits).
[g]—1996 Forbes 500 largest private company rating: #6.
[h]—1994 sales of $3.8 billion.
[i]—1995 transactions of $200.8 billion.
[j]—1994 transactions of $14.5 billion.
[k]—1994 sales of $770,000.
[l]—1994 sales of $2 billion.
[m]—1994 sales of $109 million.

Public Law 480, Title I Supplier Subsidies for Fiscal Years 1990–95

[Total: $2,463,436,086.67 (49 companies); US: $1,706,910,866.37 (69.29%) (33 companies); Foreign: $756,525,220.30 (30.71%) (16 companies); Top Five: (65.36%) Top Ten: (79.01%) Top Fifteen: (86.11%)]

United States:	
Adolph Hanslik Cotton Company Inc	$429,750.00
Aljoma Lumber Inc	438,237.21
Archer Daniels Midland Company Inc	135,223,076.30
ADM Export Co.	
ADM Milling	
Bartlett and Company Inc	18,706,602.81
Bartlett Milling Co.	
Calcott Ltd Inc	9,011,281.36
Cargill Inc	456,611,376.90
Cargill Rice Inc.	
Hohenberg Brothers Company Inc.	
Caribbean Lumber Company Inc	94,248.13
Central National-Gottesman Inc	128,269.86
Lindenmyer Munroe Division	
Central States Enterprises Inc	25,700,677.71
Cereal Food Processors Inc	7,390,529.39
Conagra Inc	92,573,510.73
Alliance Grain Company Inc.	
Armour Processed Meat Company	
Peavey Company	
Connell Rice and Sugar Company	2,276,033.44
Continental Grain Company Inc	523,245,770.00
Farmland Industries Inc	59,864,466.84
Tradigrain Inc.	
Georgia-Pacific Corporation	1,110,458.64
Gersony-Strauss Company Inc	33,127,828.76
Golden Peanut Company	7,355,216.45
Goldman Sachs Group, LP	66,725,631.11
J. Aron and Company	
Gulf South Forest Products Inc	45,101.85
Harvest States Cooperatives Inc	52,513,100.43
GTA Feeds	
Jacob Stern and Sons Inc	16,420,098.35
Acme-Hardesty Company	
Lombard and Company Inc	3,013,657.50
Norfoods Incorporated	4,099,151.08
Garnac Grain Company Inc.	
Pasternak, Baum and Company Inc	14,247,324.27
Phillips Grain Company Inc	6,254,169.20
P S International Inc	2,316,600.00
P S International Ltd.	
Riceland Foods Inc	3,991,879.05
Sunbelt Cotton Co	313,750.00
Supreme Rice Mill Inc	8,625,064.67
Temple-Inland Inc	107,434.65
Weil Brothers-Cotton Incorporated	5,062,725.17
France:	
Louis Dreyfus Holding Company Inc	236,665,060.90
Louis Dreyfus Corporation	
Allenberg Cotton Company	
Allenberg Cotton Division	
Germany:	
Bunge Corporation	258,191,751.00

Bunge Commodities Group	
Japan:	
Global Rice Corporation Ltd	11,521,300.94
Granplex Inc	14,214,434.11
Itochu International Inc	1,425,094.02
C. ITOH and Company (America) Inc.	
Marubeni America Corporation	37,165,648.19
Columbia Grain International Inc.	
Mitsubishi International Corp	49,943,857.86
Mitsui and Company USA Inc	6,392,139.44
Mitsui Grain Corporation	
United Grain Corporation of Oregon Inc.	
United Grain Corporation	
Sumitomo Corporation of America	4,940,586.82
Toshoku America Inc	64,639,493.90
Zen-Noh Grain Corp	29,019,459.21
Foreign (Origin Uncertain):	
Artfer Inc	1,533,542.85
CAM USA Inc	
Grand Metropolitan Inc	9,821,111.13
The Pillsbury Company Inc.	
Incotrade Inc	10,057,545.57
Intrade Toepfer US Holdings Inc	20,994,194.80
Alfred C. Toepfer International Inc.	
A.C. Toepfer International	

Mr. ROTH. Madam Chairman, I yield 3 minutes to the gentleman from Indiana [Mr. HAMILTON] who has spent years and years on this topic.

(Mr. HAMILTON asked and was given permission to revise and extend his remarks.)

Mr. HAMILTON. I thank the gentleman from Wisconsin for yielding me the time. I want to commend my colleagues, the gentleman from Wisconsin [Mr. ROTH], the gentleman from Nebraska [Mr. BEREUTER], the gentleman from Ohio [Mr. HALL] and others who have worked on this amendment which I strongly support.

Madam Chairman, so far as I know, the substance of this amendment really is relatively noncontroversial. It is supported by every major farm group. I do want to say to the chairman of the Ag Committee that I have appreciated his leadership on this bill. I support this bill. I think he has done a good job on it. So far as I know, the difference here lies largely in tactics. My view is that we have the opportunity now to strengthen these export and trade provisions. It may be the only opportunity we will have to vote on it in the House this year, and we should do so.

The conference committee is already going to include these issues on trade and food aid. It is in the Senate bill, it is in this bill.

Although the provisions of the Roth amendment strengthen our ability to export and our ability to use food aid as a tool of American foreign policy, the weakness in this bill today it seems to me is it kind of tries to divide into two discrete sectors, one domestic, the other international, the American farm economy, and you just cannot do that. We want a whole bill here that strengthens both the domestic and the international aspects of American farm policy.

I think we must worry much less, Madam Chairman, about the jurisdiction of the various committees here and worry much more about the status of the American farmer. The American farmer needs the export tools that are available in the Roth amendment and he needs the market created by the food aid provisions in this amendment as well.

U.S. farm export and food aid programs have served the American national interest for years, they have promoted billions of dollars in export sales and they have forced very sharp reductions in foreign subsidies.

□ 1030

They have saved tens of millions of people around the world.

Madam Chairman, I rise in support of the Roth-Bereuter-Hamilton-Hall amendment to H.R. 2854.

THE INTERNATIONAL DIMENSION OF AMERICAN AGRICULTURE

Madam Chairman, America's farm economy can no longer be neatly divided into two discrete sectors—one domestic, and one international. The health of America's farm economy depends increasingly upon our capacity to export. In fact, exports already provide the margin of profit in the U.S. farm economy, accounting for more than one-fourth of all sales.

But American farmers face a tough world agricultural market. Low-cost foreign producers, massive foreign subsidies, and import restrictions all pose competitive challenges.

American farm policy needs better tools to deal with these competitive challenges—to develop new markets and eliminate unfair trade practices.

Madam Chairman, H.R. 2854 neglects the critical international dimension of U.S. farm policy. Roth-Bereuter-Hamilton-Hall amendment corrects that deficiency.

This amendment will improve the capacity of U.S. export programs to increase foreign sales. But it will also promote U.S. foreign policy interests by making our generous food aid programs more effective.

IMPORTANCE OF U.S. FOOD AID AND EXPORT PROGRAM

U.S. farm export and food aid programs have served American national interests for several decades.

These programs have: Promoted billions of dollars in export sales annually; forced sharp reductions in foreign subsidies that hurt U.S. farm exports.

U.S. food aid programs have: Saved tens of millions of people around the world from starvation; created large markets for U.S. exports. Japan, Korea, Taiwan, Indonesia, Turkey—all huge current customers for U.S. farm products—were once food aid recipients; bolstered the economic development and political stability of dozens of friendly countries.

WHAT THE AMENDMENT DOES

The Roth-Bereuter-Hamilton-Hall amendment will strengthen these successful programs. It will:

Direct the Secretary of Agriculture to develop a strategy to achieve specific targets for future export sales and world market share.

Reauthorize U.S. food aid programs through 2002.

Authorize Commodity Credit Corporation [CCC] export guarantees through 2002, and empower the CCC to guarantee more exports to emerging markets and countries in transition to free-market systems.

Authorize the Secretary of Agriculture to reprogram unused export subsidy funds among a variety of export and food aid programs.

Require stricter monitoring of foreign compliance with the agricultural provisions of the Uruguay Round.

Improve our emergency-preparedness by increasing—at no extra budgetary cost—the amount and variety of food that may be drawn each year from emergency reserves.

DON'T POSTPONE ACTION ON INTERNATIONAL AGRICULTURE

Madam Chairman, I know the distinguished chairman of the Agriculture Committee, Mr. ROBERTS, recently introduced a new bill, which includes a number of international farm provisions. But I believe we need to move forward on this amendment at this time:

U.S. foreign agricultural policy should not be treated as a second tier issue, left for a second bill.

The American farm community is solidly behind this amendment.

The amendment has been endorsed by two leading farm groups, the American Farm Bureau Federation and the National Council of Farmer Cooperatives.

CARE, Save the Children, and the other major private humanitarian organizations also endorse it.

This amendment stands a good chance of becoming law. The text is very similar to the international titles of the Senate-passed farm bill—which were adopted unanimously.

Finally, despite Mr. ROBERTS' best intentions—which are not in doubt—there are strong indications the Senate will not take up another farm bill, nor conference a second House bill, this year. This could be the House's only opportunity to vote on substantial reforms of U.S. farm export and aid programs.

Madam Chairman, I urge Members to support the Roth-Bereuter-Hamilton-Hall amendment. It will bolster program that have promoted U.S. economic and foreign policy interests for several decades.

America's foreign agricultural policy needs our support, and there is no reason not to provide that support today.

I urge a ''yes'' vote.

Mr. ROBERTS. Madam Chairman, I yield 30 seconds to the distinguished gentleman from Missouri [Mr. EMERSON], a very valued member of the committee.

(Mr. EMERSON asked and was given permission to revise and extend his remarks.)

Mr. EMERSON. Madam Chairman, I rise in particular support of the provisions that address the Public Law 480 Food for Peace Program. As many are aware, Public Law 480 is a unique program that has enjoyed broad, bipartisan support for over 40 years. These food assistance programs are widely championed because they build a two way highway on which we help others while also helping U.S. farmers. The food for peace funds are first spent right here as farmers grow, process,

fortify, bag, can, rail, and ship the commodities to developing countries.

This amendment's reforms to the Food for Peace Program are very similar to the reforms that were encompassed in the bill my subcommittee passed last October. The improvements build on the successful aspects of the program by making modifications to refine and update the existing structure. Recommendations of the administration as well as the concerns voiced by many of the groups whose members deliver relief in the field were largely considered. The result is a bill that more strongly emphasizes the long-term market development aspects of the program, stresses private sector involvement, and recognizes the limits imposed by budgetary constraints.

I hope Members will join with me and support these modifications to the Food for Peace Program.

Mr. ROTH. Madam Chairman, I yield 2 minutes to the gentleman from Nebraska [Mr. BEREUTER], who has done so much work on this and helped with the amendment and has not only had hearings on this but knows these issues and all the nuances.

(Mr. BEREUTER asked and was given permission to revise and extend his remarks.)

Mr. BEREUTER. Madam Chairman, this amendment and recommendation should be noncontroversial, and, in fact, they are consistent with the House Committee on Agriculture's general food and trade goals.

This amendment is in compliance with overall budget guidelines. It is not our intent, for example, to amend the House Committee on Agriculture recommendations on the support enhancement program or the market promotion program. Although we have indicated earlier we support full EEP funding to the full Uruguay round agreement allowed levels, we recognize the budget considerations require self-imposed caps. So we have accepted the advice of the Committee on Agriculture.

Nevertheless, we give authority to the Secretary of Agriculture to spend agriculture export promotion funds more wisely.

If the Secretary does not need all the money we provide for EEP, the Secretary can designate that it be used for the highly successful Foreign Market Development Program or even U.S. food assistance. To make sure that the U.S. Department of Agriculture remains focused focused on increasing U.S. agricultural exports, we establish realistic goals and require concrete trade strategies to meet those goals.

To guarantee that the United States remains an innovative leader in the delivery of food assistance, we maintain our commitments of food assistance to the world's most deserving. However, we do not just stop with minimum tonnages of food assistance. We reform outdated burdensome regulatory requirements which have prohibited private voluntary organizations from implementing food assistance programs in countries where the Agency for International Development does not have a mission. In developing countries where U.S. market development food assistance is available, we permit private entities, with real know-how and ingenuity, to implement programs where only Government bureaucrats have been before.

Today one-third of everything grown on the American farm is exported.

Our hard-working farmers and ranchers will send over 50 billion dollars' worth of agricultural commodities to China, Japan, Southeast Asia, Canada, Mexico, Europe, and the rest of the world.

That is why we must continue to reauthorize and, in fact, reform legislation.

Americans recognize the importance of these agricultural exports to the well-being of the agricultural industry and to the prosperity of rural America. In fact, an overwhelming majority—or nearly 75 percent of Americans—believe that the U.S. Government should help farmers and ranchers by providing necessary assistance to promote agriculture exports, counter subsidized foreign competition, and protect American jobs.

But, Mr. Chairman, in contrast to this horn of plenty here in the United States, millions of children and people in the world's poorest countries do not have the necessary resources to purchase our agriculture commodities. According to the Food and Agriculture Organization, 800 million people do not have access to sufficient food to meet their needs for a healthy and productive life. Last year, UNICEF estimates that between 10 and 12 million preschool children died from hunger and disease related to malnutrition.

Just as Americans recognize the importance of supporting agricultural exports, they also embrace U.S. food assistance programs. In fact, many Americans are greatly surprised when they discover that only 1 percent of the entire U.S. Federal budget is foreign aid. Many of them indicate that they would be willing to devote more if it was used wisely for things like U.S. food assistance.

Today, the distinguished gentleman from Wisconsin [Mr. ROTH], the distinguished gentleman from Indiana [Mr. HAMILTON], the distinguished gentleman from Ohio [Mr. HALL], and this Member offer an amendment that specifically targets foreign agricultural trade competition and world hunger. More importantly, our amendment shapes the fundamental policies of the Federal Government which are designed to combat them. The trade and foreign aid recommendations in this amendment reflect the fact that Americans support reasonable and effective agricultural export promotion programs and targeted food assistance. To attest to that, we have over 25 agricultural commodity groups and food assistance providers supporting our legislation. Organizations like the American Farm Bureau Federation and the National Council of Farmer Cooperatives have embraced our trade policy recommendations. Private voluntary organizations like CARE and Catholic Relief Services, which perform the in-country relief work for the world's most needy, have also publicly supported our efforts.

I would say in response to the gentleman from Ohio [Mr. HOKE] if he had a chance to visit in my State he would find that in a 100-mile radius around Crete Mills—which provides much of the enriched grain products for the Food for Peace Program—he would know that they are paying those farmers in a 100-mile radius approximately 10 cents more a bushel just because of the AID Food for Peace Program. The benefits do not all go to large corporations, they go to farmers and other food recipients and their governments.

In closing, it is an extraordinary set of circumstances which forces us to offer the amendment today. In a typical farm bill year, our committee receives a sequential referral of the House Committee on Agriculture trade and food aid title of the farm bill. Then we act accordingly to prepare the farm bill conference. The arrangement has served both committees very well in the previous farm bills.

However, in this instance, while we understand the House Committee on Agriculture's original intent not to address trade and food aid provisions in the upcoming conference, we strongly believe that, for reasons beyond our control, such provisions certainly will be discussed in the conference because the Senate has those provisions therein.

Adoption of this amendment gives the House a voice in the upcoming conference on these two important issues. We have incorporated many of the recommendations for reform coming from members of the House Committee on Agriculture. This is a time to reform and improve our international programs for food assistance and exports. Nearly all of the major farm organizations and probably every one of the child survival and international food assistance nongovernmental organizations support this amendment.

I urge my colleagues to vote for the Roth-Bereuter-Hamilton-Hall amendment.

Mr. ROTH. Madam Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. HALL].

Mr. HALL of Ohio. Madam Chairman, it is a pleasure to join with the gentleman on this amendment, with the gentleman from Nebraska [Mr. BEREUTER] and the gentleman from Indiana [Mr. HAMILTON] and myself. This is an important amendment.

I am one of the few Congressmen who has had the chance to see our Public Law 480 food being distributed to many countries of the world, whether it be in Africa or South America or in Asia. And many times I have seen a lot of people, as you have seen, you know, people have asked me is our food really getting through, and I can tell you I have seen it on a number of cases make the difference between life and death in countries like Mozambique, Ethiopia. I have seen it as far back as the late 1960's, when I was in the U.S. Peace Corps. So this is a tremendous program.

I support the amendment. We need to be very consistent and committed to a number of areas rather than one, and this is not only good for American farmers but it is good for the responsibility, the moral responsibility for

our country, and what we have shown, the direction, the leadership that we have given for years.

The way the United States goes relative to feeding other nations, what we do on our appropriations, because we are a leader, a lot of countries kind of look to us as to what we do. If we are then only committed for 1 year and not for a number of years, I think a lot of other countries will follow suit, hold back, cut. This is a very flexible amendment. It is a minimum amount amendment for the next 7 years. It is very, very important for us to take the leadership on this.

I firmly support it. I hope all the Members of the Congress will support it.

Mr. ROTH. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I especially want to thank our previous speaker, the gentleman from Ohio [Mr. HALL] because not only does he know about these problems vicariously, he has been all over the world dedicating his life to this issue. I very much appreciate his remarks.

Madam Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. MANZULLO].

Mr. MANZULLO. Madam Chairman, agricultural exports are the unsung heroes of American trade. Yesterday the Census Bureau released the annual U.S. trade figures, revealing that $111 billion deficit for 1995. Many people are legitimately frustrated with the high trade deficit.

But most people are surprised to learn that the United States actually has a trade surplus, yes; surplus, in agricultural exports. America exports more corn than coal, more meat than cosmetics, and more fruits and vegetables than steel, iron, and aluminum combined. In fact, our trade surplus of foods, feeds, and beverages actually increased by over $6 billion from 1994 to 1995, reaching a record $50.5 billion in total exports.

The future of ag exports is in the area of high value products. These are products that have value added to them through processing and those which require special handling or shipping.

The 16th District of Illinois is fortunate to have many of these companies, including thousands of pounds of pork tenderloins that are shipped each week from Rochelle Foods in Rochelle, IL.

The programs authorized under the Roth amendment all contribute to the continued success of our ag exports. Our Food for Peace Programs help the poorest of the poor countries in dealing with fighting malnutrition. This is a program which provides surplus U.S. commodities directly to the people in need around the world.

The export credit guarantees contained in the Commodity Credit Corporation are also a win for all sides, the farmer, the exporter, and the taxpayer. The CCC is a loan program that helps boost ag exports, especially to those emerging markets where there has not been a large U.S. presence before.

Finally, all of these authorized programs fall within the budget resolution caps. This amendment does not create new spending.

If we want to maintain a positive surplus on our trade account ledger for ag exports and if we want to help fight starvation and malnutrition around the world, I urge support for the Roth amendment.

Mr. ROTH. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida [Mr. HASTINGS].

Mr. HASTINGS of Florida. Mr. Chairman, I thank the gentleman for yielding.

I am pleased to have this opportunity to support the Roth-Bereuter-Hamilton-Hall amendment. Different than the gentleman from Ohio [Mr. HALL], I have not seen as many areas of the world where programs have been in effect that have helped people to maintain their existence.

However, in the Sudan, in refugee camps in Nigeria, in Somalia, and in Ethiopia, I have seen the work of CARE, the Catholic Relief Services, AfriCare, and Save the Children. U.S. food aid and export programs do serve the U.S. national interest. U.S. food programs have saved tens of millions of people from starvation and improved the health and living standards of many more.

These programs have reinforced the political stability in dozens of friendly countries and created large markets for U.S. exports. I find it rather appalling that many of my colleagues do not want to help farmers, yet in their rhetorical flourishes in their districts they talk all the time about wanting to help farmers.

Let me tell you a few countries that used to be on food aid: Japan, Korea, Taiwan, Indonesia, and Turkey. And all of these now are not only big emerging markets but some are competitive with this great country. They are all huge customers of U.S. farm products, and they were once food aid recipients.

Food aid has also supported tens of thousands of jobs in the United States and continues to do that.

I urge the membership of this body to consider this legislation and to recognize that while it is stalled and while we await authority, Food for Peace and Food for Progress has expired. Needed changes in these programs have not been made.

Mr. ROBERTS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my colleagues, I rise in reluctant opposition to the amendment offered by the gentleman from Wisconsin [Mr. ROTH].

I do want to associate myself with the remarks of the gentleman from New York [Mr. GILMAN], the gentleman from Ohio [Mr. HALL], the gentleman from Nebraska [Mr. BEREUTER], the gentleman from Indiana [Mr. HAMILTON], all strong defenders of export programs, the Public Law 480 program.

The issue here is not so much about substance. The Roth amendment does contain some very good provisions in trade policy. There is no question about it. And the gentleman from Nebraska [Mr. BEREUTER] has worked very hard. The chairman of the full committee has worked very hard, the gentleman from New York [Mr. GILMAN].

But the Roth amendment also preempts what I consider to be a careful and reasoned formulation of agriculture trade policy and strategy for the next 7 years. Seven years, that is a long time. We are passing a 7-year farm bill for the first time in the history of the Congress.

We want the consistency and the predictability because this is a very important matter.

Now, what the Roth amendment does, it sets forth a 7-year plan for U.S. food assistance and a 7-year plan for an agriculture trade strategy and our export programs. This is being accomplished without the benefit of any discussion or consultation or consultation, talk, two-way street, with members of the committee of shared jurisdiction, not sole jurisdiction, shared jurisdiction. We are talking about the Committee on Agriculture.

In terms of practical effect, the Roth amendment rejects the ideas of members of the Committee on Agriculture. We do not have a chance. We have 30 members of the House Committee on Agriculture who have pending amendments that would like to offer either improving amendments or to work out some kind of compromise in regards to the entire trade and export picture.

Now, members of the Committee on Agriculture have introduced a comprehensive bill, called farm bill II. Actually it is called the Agriculture Trade and Regulatory Relief Act. It is to provide farmers with regulatory relief that will certainly enable them to compete in a very competitive global environment.

It is the intention of the chairman to consider this bill, have the final product reflect the views of the members of the Ag Committee. The Roth amendment does actually preclude this step for agriculture trade and other programs.

So the amendment effectively ends the discussions and reforms of important agriculture exports programs. I am talking about the market promotion program, something of intense and personal interest by many Members, the export enhancement program. It cuts off debate on this very important subject. This is wrong, especially in a time that our competitors are rearming and setting up programs to gain control of the global market share.

I am concerned that the Roth amendment, by setting a goal of increasing ag exports up to $60 billion by 2002, it effectively holds our current trade levels in place. That is not the intent. But I am concerned about it if you do not

have any discussion about it now. According to the Department of Agriculture, agriculture exports will reach the $60 billion level this year. This year. The Roth amendment could maintain the status quo for agriculture trade. That would be a disaster.

□ 1045

The Roth amendment also terminates, listen to this one, it terminates all agriculture export programs if the unilateral goals of the amendments trade strategy are not met.

Hello? A trade strategy in which not one member of the Committee on Agriculture and only a few in the Committee on International Relations actually participated should not dictate the future of American agriculture.

Members of the Committee on Agriculture want to participate in the formulation of an agriculture and trade policy. We want to work with you. We will dance with you. We will dance with you until closing time. But closing time is already here. We did not even get to dance.

All Members will be precluded from participating in this debate under the Roth amendment. Amendments Members want to include in the farm bill title included, and these are amendments we already had pending that we were going to consider in farm bill II on both sides of the aisle, protection from trade embargoes that have a detrimental effect on agriculture producers.

We have five embargo protection bills pending in the Committee on Agriculture. What is going to happen if you go to the Senate and you want embargo protection, and the Senators sit there and stare you in the face and say ''Outside the scope. Can't do that.''

Everybody knows the shattered glass effect of embargoes. We need that protection. We have a tight stocks situation right now, rumors of embargoes. We needed this amendment in this bill.

We should require the secretary to monitor the compliance of the World Trade Organization. My goodness, we have heard about that and all the trade problems in the recent presidential debate.

The chairman of the Senate Committee on Agriculture, Mr. LUGAR, and myself, sent a letter to the President, we have to maintain strong oversight in regards to our NAFTA and GATT trade treaties. We have not done that. We need to give the Secretary strong authority to monitor those and take the appropriate action. Not in this bill.

The reform of the credit worthiness standards for the Credit Guarantee Program, so that financing requirements can better match the credit guarantee, we need to update these credit programs. We have pending amendments on that in the Committee on Agriculture.

Finally, significant reform of the Market Promotion Program. We have many amendments that want to improve and reform the Market Promotion Program. A very critical program, very controversial. We need to fix it. It is not contained in this amendment.

The Export Enhancement Program, we are already hearing commentary that with the tight stocks situation, we do not need the Export Enhancement Program anymore.

That is not right. We need to better tailor that program. These are essential programs needed to counteract the trade practices of our competitors. We want to ensure they are responsible and flexible and respond to the current trade situation.

Now, I do not mean to get obstrepereous or very parochial in regards to my dear friends who have worked so hard on the Committee on International Relations in behalf of a very fine trade amendment. Members of the Senate have done the same thing.

But, folks, you just ran an end run around the committee of jurisdiction, shared jurisdiction, and we have no opportunity to offer amendments on the very key items that we are having here today.

What a way to run a railroad. Now we have already heard complaints in this body, and I share the frustration of those who say they are being denied the process.

I really think had we been able to consider this in farm bill II, and we had a commitment by the leadership to bring that bill to the floor as soon as possible, we would have had hearings in the next several weeks and we would have done this, that would have been the appropriate way.

That is why I oppose this amendment. We have an opening on the Committee on Agriculture, on the other side, but maybe we could work that out. If the gentleman from Wisconsin wants to run the committee, we might consider that. I oppose the bill. I am considering the vote. I am unhappy. And the process has been very untoward.

Mr. Chairman, I yield back the balance of my time.

Mr. ROTH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I appreciate the fact that the Committee on Agriculture has worked very hard on this bill, and I tip my hat to them, and the chairman has done a great job. But the truth of the matter is there are some glaring deficiencies in the bill.

This is a wonderful amendment that we have before us. If it would not be, we would not have all the farm groups in America for it, all the humanitarian groups for it, and the people, millions of people from all over our country, in favor of this amendment, because they realize that in order to have a good international climate for agriculture, we need this amendment.

Now, someone had mentioned, the problem is it is 5 years. Well, our agriculture bills here are 7 years, but agriculture bills are 5 years.

When it comes down to it, I listened carefully, attentively to all the debate. No one talked against the merits of the amendment, they talked about jurisdiction. ''The Committee on Agriculture does not have jurisdiction; another committee has too much jurisdiction.''

We had countless hearings on this, but not one asked us particularly about jurisdiction. I would like to forget all about the jurisdiction issue and just look at the merits of the bill and amendment. If it is a good amendment, let us pass it. I am always willing to work with the Committee on Agriculture on any particular issue.

Mr. BEREUTER. Mr. Chairman, will the gentleman yield?

Mr. ROTH. I yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Chairman, the export programs are terminated, yes, but it is in 2002. This is a train that is leaving the House. The House Members ought to have an opportunity to vote on it, not the conferees that are going to be facing the Senate version.

Mr. ROTH. Mr. Chairman, reclaiming my time, I thank the gentleman.

Mr. Chairman, for the good of the American people and the good of our American farmers, vote for this amendment.

Mr. POMEROY. Mr. Chairman, I wish to speak in favor of the Roth amendment that would reauthorize the Public Law 480 Food for Peace Program and set an agenda for the Secretary of Agriculture to increase our agricultural exports over the next 7 years.

One of the most important aspects of this amendment to North Dakota producers in the reauthorization of the Public Law 480 program. The committee bill would only reauthorize the program for 1 year while the amendment would extend the program until 2002 is essential that this program continue.

The Food for Peace Program delivers humanitarian aid to nations in need and at the same time develops future markets for United States agricultural products. North Dakota bean growers rely heavily on Public Law 480 to encourage the export of their commodity. Last year U.S. producers exported more than $75 million of dry edible beans through the Public Law 480 program.

The amendment also will set export goals of $60 billion for agricultural commodities. To achieve that goal, the Secretary is required to implement our GATT-legal export programs to the maximum extent allowable. We must take advantage of every opportunity the GATT agreement allows us in the global marketplace.

In addition, the Secretary is required to increase high-value and value-added agricultural exports over the next 7 years. North Dakota producers have begun to reap the benefits of value-added agricultural products through the development of cooperative enterprises such as the Pasta Growers and Bison Cooperatives. We must do everything we can to encourage these innovative farmers and assists them in their efforts to develop agricultural products for the global market.

Agriculture already represents one of the few trade sectors in which our exports exceed our imports. We are now, however, entering a new era for agriculture, one in which the world market is every bit as important as the domestic market. The GATT trade agreement was

designed to reduce global trade barriers and increase our total agricultural exports. Under this agreement our exports have increased to more than $50 billion per year. GATT legal export programs such as Public Law 480, the Foreign Market Development Program, EEP and others are critical to the future of American agriculture. We must take every advantage of our international agreements to continue that trend. This amendment requires the Secretary of Agriculture to do just that and I encourage its adoption.

Mr. ROBERTS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. ROTH].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 11 printed in House Report 104–463.

AMENDMENT OFFERED BY MR. LIVINGSTON

Mr. LIVINGSTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. LIVINGSTON: On page 119, strike lines 2 through 21, and insert the following:

"SEC. 1241. FUNDING.

''(a) MANDATORY EXPENSES.—For each of fiscal years 1996 through 2002, the Secretary shall use the funds of the Commodity Credit Corporation to carry out the programs authorized by—

''(1) subchapter B of chapter 1 of subtitle D (including contracts extended by the Secretary pursuant to section 1437 of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101–624; 16 U.S.C. 3831 note)); and

''(2) subchapter C of chapter 1 of subtitle D.

''(B) AUTHORIZATION OF APPROPRIATIONS FOR LIVESTOCK ENVIRONMENTAL ASSISTANCE PROGRAM.—There are authorized to be appropriated to the Secretary for each of the fiscal years 1996 through 2002, $100,000,000 for providing technical assistance, cost-sharing payments, and incentive payments for practices relating to livestock production under the livestock environmental assistance program under chapter 4 of subtitle D.''.

The CHAIRMAN. Pursuant to the rule, the gentleman from Louisiana [Mr. LIVINGSTON] and a Member opposed will each control 20 minutes.

The Chair recognizes the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Chairman, I may have misheard in the rush to change. Did we call up amendment No. 11?

The CHAIRMAN. Amendment No. 11.

Mr. LIVINGSTON. Mr. Chairman, I ask unanimous consent to withdraw amendment No. 11 and go on to amendment No. 12.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

AMENDMENT OFFERED BY MR. LIVINGSTON

Mr. LIVINGSTON. Mr. Chairman, I offer an amendment, No. 12.

The CHAIRMAN. The clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. LIVINGSTON: On page 131, strike line 21 and all that follows through line 11 on page 135 and insert the following new section:

SEC. 502. COLLECTION AND USE OF AGRICULTURAL QUARANTINE AND INSPECTION FEES.

Subsection (a) of section 2509 of the Food, Agriculture, Conservation, and Trade Act of 1990 (21 U.S.C. 136a) is amended to read as follows:

''(a) QUARANTINE AND INSPECTION FEES.—

''(1) FEES AUTHORIZED.—The Secretary of Agriculture may prescribe fees sufficient—

''(A) to cover the cost of providing agricultural quarantine and inspection services in connection with the arrival at a port in the customs territory of the United States, or the preclearance or preinspection at a site outside the customs territory of the United States, of an international passenger, commercial vessel, commercial aircraft, commercial truck, or railroad car;

''(B) to cover the cost of administering this subsection; and

''(C) through fiscal year 2002, to maintain a reasonable balance in the Agricultural Quarantine Inspection User Fee Account established under paragraph (6).

''(2) LIMITATION.—In setting the fees under paragraph (1), the Secretary shall ensure that the amount of the fees are commensurate with the costs of agricultural quarantine and inspection services with respect to the class of persons or entities paying the fees. The costs of such services with respect to passengers as a class includes the costs of related inspections of the aircraft or other vehicle.

''(3) STATUS OF FEES.—Fees collected under this subsection by any person on behalf of the Secretary are held in trust for the United States and shall be remitted to the Secretary in such manner and at such times as the Secretary may prescribe.

''(4) LATE PAYMENT PENALTIES.—If a person subject to a fee under this subsection fails to pay the fee when due, the Secretary shall assess a late payment penalty, and the overdue fees shall accrue interest, as required by section 3717 of title 31, United States Code.

''(5) COLLECTION OF FEES.—Fees collected under this subsection shall be collected only to amounts as provided in advance in appropriations Acts.

''(6) AGRICULTURAL QUARANTINE INSPECTION USER FEE ACCOUNT.—

''(A) ESTABLISHMENT.—There is established in the Treasury of the United States a no-year fund, to be known as the 'Agricultural Quarantine Inspection User Fee Account', which shall contain all of the fees collected under this subsection and late payment penalties and interest charges collected under paragraph (4).

''(B) USE OF ACCOUNT.—For each of the fiscal years 1996 and thereafter, funds in the Agricultural Quarantine Inspection User Fee Account shall be available, in such amounts as are provided in advance in appropriations Acts, to cover the costs associated with the provision of agricultural quarantine and inspection services and the administration of this subsection. Amounts made available under this subparagraph shall be available until expended.

''(7) STAFF YEARS.—The number of full-time equivalent positions in the Department of Agriculture attributable to the provision of agricultural quarantine and inspection services and the administration of this subsection shall not be counted toward the limitation on the total number of full-time equivalent positions in all agencies specified in section 5(b) of the Federal Workforce Restructuring Act of 1994 (Public Law 103–226; U.S.C. 3101 note) or other limitation on the total number of full-time equivalent positions.''.

The CHAIRMAN. Pursuant to the rule, the gentleman from Louisiana [Mr. LIVINGSTON], and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the distinguished chairman and ask for the indulgence of my colleagues. I would like to explain my amendment and then discuss the future of the amendment at the end of my statement.

Mr. Chairman, the agriculture quarantine inspection user fee amendment that is included in my amendment No. 12 is a clarifying amendment. Passengers in commercial vehicles coming into the country pay an agriculture quarantine inspection fee.

The funds collected go into an account and are used to cover the cost of providing inspections of cargo and international air and sea passengers at ports of entry within the United States, inspections of cargo and people at the Mexican and Canadian borders, and the preclearance and preinspection services at sites overseas. These inspections are absolutely essential to protect American agriculture from the introduction of pests and diseases of foreign origin and to facilitate the entry of our agriculture products into international markets.

For example, if the Medfly were to establish itself in this country, the loss to the fruit and vegetable industry in California alone would be in the billions of dollars. If foot and mouth disease, which has been eradicated in the United States, were to be re-introduced into this country, losses to the cattle industry would be estimated at more than $20 billion.

The AQI user fee program was first authorized in the 1990 farm bill. But what the Committee on Agriculture did was authorize the collections and make the spending subject to appropriations. What this means is that the Committee on Agriculture gets credit for the collection of the AQI user fees which are paid into the Treasury, but the Committee on Appropriations is charged with spending the fees.

Over the years, because the spending of the fees has had to compete with other discretionary funds, much like we were talking about earlier this morning, this approach has prevented the program from using all the money that was collected. That means that the Committee on Appropriations is charged with the responsibility of spending roughly $100 million on this program, and they get no credit from the money that was collected, because that goes to the authorizating committee, the Committee on Agriculture.

So without credit, it means that this program, which is a superb and essential program, competes with every other program that falls within the jurisdiction of the Committee on Appropriations, which is tantamount to all discretionary spending programs.

Everyone is in agreement that this approach must be fixed. The bill of the gentleman from Kansas [Mr. ROBERTS] does not fix it. It only guarantees that the amount collected in excess of $100 million will go to the program; $100 million is still scored against discretionary spending. Because the collection of this $100 million is separate from the appropriation, the user fees in effect are totally separate and unrelated to the appropriation for this program, there is no, and I repeat, there is no reason to assume that it will be appropriated.

As we squeeze all of the other discretionary programs under our jurisdiction, so too might this program be squeezed.

Proponents of this program, and we are all proponents of the program, but many proponents of this program would say ''well, this simply guarantees that at least $100 million, and perhaps another $20 million, will be spent.'' That is not true, because if the Committee on Appropriations is not collecting any credit from the user fees, and if we in fact say cut 5 or 10 percent across the board in all discretionary programs, then this program will be cut like every other program within the jurisdiction of the Committee on Appropriations.

What my amendment does is simply make both the collection and the spending of the fees subject to appropriations. Some would say that is another turf war between appropriations and authorization committees. I would say that this guarantees, this is more of a guarantee that the program will get the full amount of money it needs to operate. I would suggest it is a win-win situation for everyone.

I can assure the chairman and all our colleagues that under this scenario, the scoring of the AQI program, the Agriculture Quarantine Inspection Program, that the scoring is neutral. Since the importance of this program is so critical, we in effect would provide every dollar back for the Department to use that is given to us in credits from the user fee collected.

In fact, there would be no reason not to appropriate every dollar of credit, because we would be getting reimbursed for every dollar we spend.

So we have offered this amendment, but I acknowledge that it is opposed by the distinguished chairman of the Committee on Agriculture. I think the gentleman believes that his amendment fixes the problem. I think that the proponents of the gentleman's provision believe that his amendment fixes the problem. But I am here to suggest that it does not. If anyting, it will almost guarantee that as other discretionary programs are cut with across-the-board cuts in the appropriations process, so, too, will this program.

If we really want to fix it, my amendment should be adopted. But I do not think it will be, based on the earlier vote.

I have no illusions about the outcome. I do not want to put our colleagues in a quandary about whether they are voting for the right thing or whether it is properly perceived by their agriculture constituents around America. So I would only suggest that we could fix this problem once and for all with my amendment. We could stop the delays and we could get all the funds paid into the account out to the proper recipients so that the passengers and cargo could be inspected quickly and so that the program could be performed. But because it is obvious to me that my amendment is not going to pass over the objections of the committee chairman, I respectfully ask unanimous consent that the amendment be withdrawn.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

Mr. ROBERTS. Mr. Chairman, reserving the right to object and I shall certainly not object, under my reservation I want to thank the distinguished chairman of the Committee on Appropriations and again thank him for the splendid work he is doing.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

□ 1100

Mr. CHAIRMAN. It is now in order to consider amendment No. 13 printed in House Report 104–463.

AMENDMENT OFFERED BY MR. DOOLEY

Mr. DOOLEY. Mr. Chairman, I offer an amendment.

Mr. CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DOOLEY:

At the end of title V (page 139, after line 17), add the following new section:

SEC. 507. COMPETITIVE RESEARCH GRANTS TO PROMOTE AGRICULTURAL COMPETITIVENESS INITIATIVES.

(A) PURPOSES.—The competitive research grant program established by this section has the following purposes:

(1) Enhancement of the competitiveness of the United States agriculture industry in an increasingly competitive world environment.

(2) Increasing the long-term productivity of the United States agriculture and food industry while protecting the natural resource base on which rural America and the United States agricultural economy depend.

(3) Development of new uses and new products for agricultural commodities, such as alternative fuels, and development of new crops.

(4) Supporting agricultural research and extension to promote economic opportunity in rural communities and to meet the increasing demand for information and technology transfer throughout the United States agriculture industry.

(5) Improvement of risk management in the United States agriculture industry.

(6) Improvement in the safe production and processing of, and adding of value to, United States food and fiber resources using methods that are environmentally sound.

(7) Supporting higher education in agriculture to give the next generation of Americans the knowledge, technology, and applications necessary to enhance the competitiveness of United States agriculture.

(8) Maintaining an adequate, nutritious, and safe supply of food to meet human nutritional needs and requirements.

(b) AGRICULUTURAL COMPETITIVENESS GRANTS.—The Secretary of Agriculture shall award grants to eligible grantees to promote one or more of the purposes of the program.

(c) ELIGIBLE GRANTEE.—The Secretary may make a grant under subsection (b) to—

(1) a college or university;

(2) a State agricultural experiment station;

(3) a State Cooperative Extension Service;

(4) a research institution or organization;

(5) a private organization or person; or

(6) a Federal agency.

(d) USE OF GRANT.—A grant made under subsection (b) may be used by a grantee for one or more of the following uses:

(1) Research ranging from discovery to principles for application.

(2) Extension and related private-sector activities.

(3) Education.

(e) PRIORITY.—

(1) IN GENERAL.—In administering this program, the Secretary shall—

(A) establish priorities for allocating grants, based on needs and opportunities of the food and agriculture system in the United States;

(B) seek and accept proposals for grants;

(C) determine the relevance and merit of proposals through a system of peer review; and

(D) award grants on the basis of merit and quality.

(2) PARTICIPATION BY SCIENTIFIC COMMUNITY.—In carrying out subparagraphs (B) and (C) of paragraph (1), the Secretary shall seek wide participation by qualified scientists and extension and education specialists from colleges and universities, State agricultural experiment stations and State Cooperative Extension Services, the private sector, and the Federal Government.

(f) ADMINISTRATION.—

(1) COMPETITIVE GRANT.—A grant under subsection (b) shall be awarded on a competitive basis.

(2) TERM.—A grant under subsection (b) shall have a term that does not exceed 5 years.

(3) ADVISORY COMMITTEES.—The Secretary may use an advisory committee established independently of this program to assist the Secretary in determining funding priorities under this program.

(4) MATCHING FUNDS.—

(A) IN GENERAL.—The Secretary shall encourage the funding of a grant under subsection (b) with equal matching funds from a non-Federal source.

(B) MANDATORY.—The Secretary shall require the funding of a grant under subsection (b) with equal matching funds from a non-Federal source if the grant is—

(i) for applied research that is commodity-specific; and

(ii) not of national scope.

(5) ADMINISTRATIVE COSTS.—The Secretary may use not more than 4 percent of the funds made available under subsection (h) for administrative costs incurred by the Secretary in carrying out this program.

(6) CONSTRUCTION COSTS.—None of the funds made available under subsection (h) may be used for the construction of a new building or the acquisition, expansion, remodeling, or alteration of an existing building (including site grading and improvement and architect fees).

(g) REGULATIONS.—The Secretary shall issue such regulations as are necessary to carry out this program.

(h) AVAILABILITY OF FUNDS FOR GRANTS.—

(1) SOURCE OF FUNDS.—Of the amount made available under section 102 of the Agricultural Act of 1949, as added by section 1102 of

this Act, for payments under market transition contracts for the fiscal year 1996 through 2002, $1,920,000,000 shall be used by the Secretary to make grants under this section. The amounts specified in subsection (e) of such section 102 shall be reduced by the Secretary by the amount made available in this subsection.

(20 FISCAL YEAR AMOUNTS.—Of the total amount specified in subsection (a) for grants under this section, the Secretary shall use $200,000,000 for fiscal year 1996, $220,000,000 for fiscal year 1997, $250,000,000 for fiscal year 1998, $250,000,000 for fiscal year 1999, $300,000,000 for fiscal year 2000, $300,000,000 for fiscal year 2001, and $400,000,000 for fiscal year 2002.

(3) LIMITATIONS.—The Secretary may use less than the amount provided under subsection (b) for a fiscal year if the Secretary determines that the full funding level is not necessary to fund all qualifying applications for agricultural competitiveness grants that satisfy the priority criteria established under subsection (e).

Mr. CHAIRMAN. Pursuant to the rule, the gentleman from California [Mr. DOOLEY] and a Member opposed, each will be recognized for 5 minutes.

The Chair recognizes the gentleman from California [Mr. DOOLEY].

Mr. DOOLEY. Mr. Chairman, I yield myself such time as I may consume.

The amendment I offer today is an amendment that I think is in the best interest of the taxpayers of this country and also is in the best interest of farmers. We are embarking upon enacting a new farm policy, a farm policy that has been identified as being freedom to farm.

The premise behind this policy is that over the next 7 years we will obligate the taxpayers of this country to spend $36.5 billion to farmers regardless of what the prices of the commodities will be. I think it has become very clear that we are currently in a situation where you can forward contract on almost all the commodities that are under the program for December of this year as well as December 1997, enabling farmers today in the private sector to lock in a profit.

Under the current program that we have, our current farm program, there would be minimal government outlays, but under freedom to farm we are going to be requiring the taxpayers of this country to make $36 billion in payments to farmers, $36 billion which I believe cannot be characterized as much more than welfare payments.

What my amendment does is, it makes a minimal change. It says that we would be far better served, the taxpayers would be far better served, farmers would be far better served if we could just take $2 billion of that $36 billion over the next 7 years and invest it in agricultural research.

It has been demonstrated that agriculture research will pay great dividends not only to farmers but also to our society as a whole. A recent study by the Economic Research Service has determined that there has been a return of 35 percent of all moneys that have been invested in agriculture research. That is the central issue that we are talking about today. That is what my amendment is all about.

Are we going to get a greater return on the taxpayers' investment in farm programs by the $36 billion going in direct payments, or will the taxpayers of this country get a greater return on the investment of $2 billion in research? I think clearly it is very clear that everyone will be far better served. Our society will be far better served if we make this modest contribution in allocating these funds to ensure that we will have a more viable, a more productive agriculture research program in this country.

Mr. Chairman, I reserve the balance of my time.

Mr. ROBERTS. Mr. Chairman, I rise in opposition to the amendment.

Mr. CHAIRMAN. The gentleman from Kansas [Mr. ROBERTS] is recognized for 5 minutes.

Mr. ROBERTS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am one of the strongest supporters of agriculture research in the Congress. Since early last year, I, along with the subcommittee chairman, the gentleman from Colorado, Mr. ALLARD, the distinguished chairman emeritus of the Committee on Agriculture, the gentleman from Texas, Mr. DE LA GARZA, and Mr. JOHNSON have been conducting a comprehensive review of research programs which aim to improve the efficiency and effectiveness of the more than $1.7 billion that we now spend on research.

During a time when we are trying to balance the Federal budget and ensure what money we do have is spent wisely, basically what the gentleman from California is proposing is that we spend an additional $2 billion on a new entitlement program without the benefit of a single hearing to discuss how well we are using the $1.7 billion we were already spending.

We are going to continue this review of ag research with our very strong support. After all, our farmers and ranchers must be provided the competitive advantage through research to compete in the global marketplace. We will have a series of hearings, which we have scheduled to begin in 2 weeks. Immediately after these hearings, the committee will proceed with marking up comprehensive reform legislation. We are going to focus on priority setting, revitalizing our research programs and underscoring the strong support, bipartisan support in regards to research.

Now, let me get to the gentleman's comments in regards to freedom to farm. As we have said before, this bill establishes hopefully a market transition from the command and control style of government support to the free market through a series of fixed and declining payments. We have come from $56 billion in regards to the agriculture baseline for farm program payments to $43 billion, to $38 billion, to $36 billion. That is a tremendous decline. We are meeting our budget responsibilities, 50 percent less in terms of market transition payments as compared to the last 5 years. But the gentleman wants to take another $2 billion from farm income, direct farm income to producers, to agriculture research prior to the comprehensive review of the research programs that we have on the books.

The passage of the Dooley amendment, quite frankly, is a killer amendment to freedom to farm. It upsets the process. These payments are declining most rapidly. The income outlook is most uncertain. The gentleman calls it a welfare payment. Again, I think anybody that describes any farm program as a welfare payment does a disservice to agriculture and his constituency. These are not welfare payments. These are declining market transition payments. The farmer has to observe a conservation compliance plan that is most costly, and the gentleman is just dead wrong in his description of what has happened.

So this is a killer amendment. I urge opposition to it. And I would say to the gentleman that I have tried my very best to be of help to the gentleman when he has wanted more investment in the market promotion program. I have tried to be of the greatest amount of help possible in regards to the research capability of the wine industry in California. I was just out there. And we have tried to be of help to the gentleman in regards to the cotton program, and we had very damaging amendments. On the whole total subject of research we have tried to be of help. We worked with the gentleman in regards to USDA reorganization.

I must say to the gentleman, without any consultation, without any conversation in regards to the Committee on Agriculture chair, this amendment sprung out of nowhere, was made in order and is a killer amendment to the total package of the farm program.

I would appreciate it in the future if the gentleman has an amendment of this nature, he would visit with the chair and, as he can indicate, I have a little personal interest in this particular situation, I will continue to help the gentleman on these other matters.

I urge opposition to the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. DOOLEY. Mr. Chairman, I yield myself such time as I may consume to respond to the chairman.

If we would have had one hearing on freedom to farm, we might have been able to have a discussion on these proposed amendments, but we did not have a hearing on freedom to farm.

The bottom line is, the issue here, this is not new money going out. This is not additional money. The bottom line is, if we want to fund agriculture research, there is only one pot of money out there. It is the $36 billion that is going to direct payments to farmers, however, Members should want to characterize those payments.

The bottom line is, if we want to fund research, if we want to make an investment for the future, the investment for the future of farmers and the

investment for the future well-being of our society and improving nutrition, we need to support additional investment into research.

Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri [Mr. VOLKMER].

(Mr. VOLKMER asked and was given permission to revise and extend his remarks.)

Mr. VOLKMER. Mr. Chairman, I rise in strong support of the amendment of the gentleman from California to provide the additional money for research that we are going to need during the transition period so that when the year 2002 comes that our farmers are going to be able to compete without any subsidy whatsoever.

That is what the gentleman from Kansas wants, yet he is not willing to make sure that our farmers are prepared to meet that world competition. What he wants to do is give them a lot of money this year and next year, when they really do not need it because they are going to get it from the marketplace. If he wants to fund this research, he can do it in the next 2 years because there is not going to be any need to send farmers money. We are going to see farmers with the prices that we have, am I not correct, with the prices we have in all commodities, the major commodities covered by the freedom to farm, that there is not a farmer out there who has a good crop who is not going to make money. Yet under the freedom to farm we are going to send them a whole bunch of money.

Would it not be better to take that money and do the research when we need it so that our farmers, when the time comes, when they are not going to get any Government payment at all, they are able to meet that competition, world competition out there?

So I rise in strong support of the gentleman's amendment.

What the gentleman from Kansas wants to do is send money out to people when they do not need it and what the gentleman from California wants to do is take that money and make sure that when the time comes that they do not get any money that they are going to be able to compete.

I do not understand this. It does not kill this bill. He still has his freedom not to farm. He still has his bill that says, you do not have to turn one blade, plant one seed or turn any soil. You do not drill, no nothing. You are still going to get a payment. He has still got his bill. What this does is say, we want our farmers to be prepared.

Mr. FAZIO of California. Mr. Chairman, in all the talk about freedom to farm, little attention has been given to agriculture programs to assist States like California which depend less heavily on program crops.

A truly broad-based agriculture program needs market promotion, conservation, nutrition, and rural development.

The Dooley amendment focuses on the other leg of a true agriculture program—research.

Support for research often done at our land-grant colleges put the United States in the forefront of agricultural productivity long before commodity programs.

Budget cuts to agriculture over the last few years have exacted a toll on vital research and our land-grant colleges.

The Dooley amendment makes an important statement: in a market-oriented economy, we need a renewed commitment to competitive research.

Research breakthroughs are the key to agricultural productivity—to higher yields—to fewer pesticides—to better water quality—to better farm practices.

Research has been at the heart of American agricultural success and it must continue to be a mainstay of our agriculture in the future.

Not an approach some of my Appropriations Committee brethren might take.

This approach—using competition not simply formula grants to all institutions demonstrates we are smart enough to focus on all the components that will comprise the agriculture program of tomorrow.

Vote for the future—vote for research—vote for the best approach—the Dooley amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from California [Mr. DOOLEY].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. ROBERTS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 163, noes 260, not voting 8, as follows:

[Roll No. 38]

AYES—163

Abercrombie
Ackerman
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bishop
Bonior
Borski
Boucher
Brown (CA)
Brown (OH)
Bryant (TX)
Bunn
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (MI)
Condit
Conyers
Costello
Coyne
DeFazio
DeLauro
Dellums
Deutsch
Dixon
Doggett
Dooley
Doyle
Duncan
Durbin
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Hefner
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Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson, E. B.
Johnston
Kanjorski
Kennedy (MA)
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NOES—260

Allard
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Ros-Lehtinen
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Tiahrt
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Torricelli
Upton
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Vucanovich
Waldholtz
Walker
Walsh
Ward
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker

Wilson	Young (AK)	Zeliff
Wolf	Young (FL)	Zimmer

NOT VOTING—8

Collins (IL)	Furse	Moorhead
Cox	Gutierrez	Stokes
de la Garza	McKinney	

□ 1130

The Clerk announced the following pair:

On this vote:

Ms. Furse for, with Mr. Cox of California against.

Messrs. ALLARD, POMBO, and SHADEGG changed their vote from ''aye'' to ''no.''

Mr. WAMP, Mr. SAWYER, and Mr. RAHALL changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. ROBERTS. Mr. Chairman, I move to strike the last word, in order to enter into a colloquy with the gentleman from Idaho [Mr. CRAPO] as it relates to the amendment just voted on.

Mr. Chairman, I yield to my distinguished colleague and my friend, the gentleman from Idaho [Mr. CRAPO].

Mr. CRAPO. Mr. Chairman, I appreciate the chairman of the committee yielding to me for this colloquy.

Mr. Chairman, I appreciate the opportunity to discuss with you the future of agriculture research. Agriculture research extension and education programs have played a critical role in achieving the current productivity and competitiveness of U.S. agriculture. Taxpayers receive a rate of return on research and extension of 30 to 50 percent per year.

While a research title is not included in the bill before the House today, I look forward to working with you and the rest of the Committee on Agriculture and conferees to promote changes to the research component of the fund for rural America in the Senate version of the farm bill. Changes need to be made which will bring better into balance the total research and extension portfolio, addressing those areas in which current funding relative to user-driven national priorities is inadequate.

I have been working with Chairman ROBERTS for several months to promote a strong research extension and education program that reaches out to traditional and nontraditional researchers with an interest in basic and applied research. I would say to the chairman of the committee, I want to continue to work with him, Mr. Chairman, on this issue to address the challenges facing agriculture.

We need an infusion of resources that will provide problem- and opportunity-oriented research, extension, and education. This will assist the entire system, including plant and animal sciences, processing, marketing, and natural resources, while also developing the next generation of knowledge and technology needed to maintain international competitiveness over the long term.

For several months I have been advocating increased funding for agriculture research through a program which would provide a basic excessive grant program, balancing investments in basic and applied research, extension, and education. This program should incorporate a priority-setting mechanism that takes into account the views of producers and processors early in the process, as well as allowing for smaller research institutions to compete for grants. It is designed as an aggressive, coordinated program to be administered by the cooperative State Research Education and Extension Service, with the agriculture industry playing a lead role in priority-setting. It is a worthwhile program.

Again, I appreciate the chairman's willingness to review and consider this proposal and look forward to working with him on this critical issue.

Mr. ROBERTS. Mr. Chairman, I thank the gentleman from Idaho for his remarks and his leadership. Let me simply respond by saying last summer, as I indicated during the debate on the last amendment, along with the gentleman from Colorado, Mr. ALLARD, the gentlemen from Texas, Mr. DE LA GARZA, and Mr. JOHNSON, we sent out a comprehensive questionnaire in regards to research. We asked the researchers and the users what can be done better, how we can spend the $1.7 billion annual commitment to agriculture research and extension to make sure that our producers and consumers will have a competitive and safe food supply in the 21st century?

Now, in addition to the survey, I would tell the gentleman, the House Committee on Agriculture has had the GAO, the General Accounting Office, conduct the first accounting of our Federal agriculture research investment since 1981. The GAO will deliver this report to the committee by the end of next month.

Finally, we have scheduled a series of hearings this March, and plan on producing a comprehensive rewrite of our Federal research program. Unfortunately, I must say the other body has chosen simply to clean around the edges, leaving in place some of our research policies that fail to meet the needs of the agriculture sector as we transition into a free market. That is unacceptable.

Mr. Chairman, I urge my colleagues to support the Committee on Agriculture in our efforts to modernize the current research program. So, pending our comprehensive legislation on agriculture research when we get to the conference on this bill, I am going to look forward to working with the gentleman in addressing how we can secure the additional funds that we need.

The Senate has something called the Fund for Rural America. The gentleman has talked to me about his suggestions, for suggesting that within the Fund for Rural America, to make sure that some of that money does go to research and the needs of farmers. I look forward to the gentleman's suggestions for change and to working with him to make sure the Fund for Rural America serves farmers and consumer research needs.

I thank the gentleman for his commentary and his leadership.

The CHAIRMAN. It is now in order to consider amendment No. 14 printed in House Report 104–463.

AMENDMENT OFFERED BY MR. FOLEY

Mr. FOLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FOLEY: At the end of title V (page 139, after line 17), add the following new section:

SEC. 507. EVERGLADES AGRICULTURAL AREA.

(a) IN GENERAL.—On July 1, 1996, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall provide $210,000,000 to the Secretary of the Interior to carry out this section.

(b) ENTITLEMENT.—The Secretary of the Interior—

(1) shall accept the funds made available under subsection (a);

(2) shall be entitled to receive the funds; and

(3) shall use the funds to conduct restoration activities in the Everglades ecosystem, which may include acquiring private acreage in the Everglades Agricultural Area including approximately 52,000 acres that is commonly known as the ''Talisman tract''.

(c) TRANSFERRING FUNDS.—The Secretary of the Interior may transfer funds to the Army Corps of Engineers, the State of Florida, or the South Florida Water Management District to carry out subsection (b)(3).

(d) DEADLINE.—Not later than December 31, 1999, the Secretary of the Interior shall utilize the funds for restoration activities referred to in subsection (b)(3).

The CHAIRMAN. Pursuant to the rule, the gentleman from Florida [Mr. FOLEY] and a Member opposed will each control 10 minutes.

Mr. OBEY. Mr. Chairman, I would like to inquire of the Chair whether there is any Member on the committee who is opposed to the amendment, because if not, in its present form, I am, and I would like to claim the time.

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] is opposed to the amendment and will control the time in opposition.

The Chair recognizes the gentleman from Florida [Mr. FOLEY].

Mr. FOLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today I rise in support of a logical solution to aid in the environmental restoration of one of our true national treasures, the Florida Everglades. I would like to first point out there was similar language passed in the Senate earlier this month in the farm bill, and this language enjoys wide bipartisan support from both Senators of our State, the Governor, and the entire south Florida Congressional delegation.

When I was chairman of the Senate Agriculture Committee, the Florida State Legislature passed the Everglades Forever Act. The Secretary of

the Interior, environmental groups, and the sugar industry worked towards a comprehensive plan to help restore the Everglades. Under this agreement, the sugar growers will pay up to $320 million over 7 years as part of a State agricultural privilege tax toward Everglades restoration.

Let me just review. In 1850 Congress gave the Everglades to Florida with one proviso, that it be drained. We have certainly come a long way since then. Back in those days, in the 1930's and 1940's, people running for office used to campaign that they would drain the Everglades. By the 1930's, 400 miles of drainage canals had been built. In south Florida this meant the infusion of agriculture in the region, as well as expanded development opportunities in south Florida.

After disastrous hurricanes in 1926 and 1928, thousands of people were killed, and a levee was built around Lake Okeechobee. That levee took out of the Everglades ecosystem large blocks of land. Today's population has grown from 26,000 in 1900 to over 5 million today. This development and the resulting pollution has also put an incredible strain on the environment. Thus, all of these factors combined have disrupted the natural flow of water in south Florida. Now we are searching for solutions on how best to save our national treasure, the Everglades, from environmental and biological collapse.

The bottom line is there is no single scapegoat in this issue. Instead of pointing fingers, we need to point to solutions. Through the combined leadership of the State's Senators, the Governor, and the Florida delegation, we have reached an agreement under which 52,000 acres, known as Talisman, would be purchased for water storage. This land is currently for sale voluntarily. The acquisition will give us long-term solutions for the Everglades water quality and quantity issues. Because of its strategic location in the Everglades ecosystem, a large water storage area can be constructed on the land.

I ask my colleagues to support the environment and support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself 3 minutes.

Let me simply say, Mr. Chairman, I am really of mixed feelings here today. I think what the gentleman is trying to do is absolutely, perfectly legitimate. I think the Everglades are a great national treasure, and I have consistently in the past supported every effort that has been before us to try to help preserve the Everglades.

But I think this amendment is, frankly, walking around under false pretenses today. It is advertised, for instance, in the CQ House Action Report as being an amendment to authorize $200 million to acquire land in the Florida Everglades. In fact, what it does is appropriate $200 million for that purpose.

I do not mind the passage of this amendment as long as it would be subject to appropriation. But I do not see why we ought to have a special arrangement under which the Everglades, as precious as they are, will wind up receiving favorable treatment over any other natural resource in any other part of the country because they happen to wind up getting in this bill as an entitlement, as a direct appropriation, I should say, whereas other areas of the country that have environmental problems have to get in line in the regular appropriation process and compete for funds. There is absolutely no reason on the merits to do that, and I regret the fact that this amendment has not been made subject to appropriation.

If it had been, I would support it, because I certainly think what the gentleman is trying to do is correct, but the way he is trying to do it puts this project ahead of virtually every other environmental preservation project in the country. That is not a legitimate way to do business, in my judgment.

Mr. Chairman, I reserve the balance of my time.

Mr. FOLEY. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. DEUTSCH].

Mr. DEUTSCH. Mr. Chairman, the Everglades is a national treasure. In fact, it is an international treasure. This funding is really a small down payment on the Federal Government's share of Everglades restoration. It will help purchase critical land in the Everglades agricultural area. However, it is insufficient for the total restoration, and does not relieve Florida or the industry in Florida of its responsibility. The President has announced the fair share balanced plan to save the Everglades.

Mr. Chairman, I include for the RECORD the President's proposal for Everglades restoration.

The material referred to is as follows:

THE CLINTON/GORE ADMINISTRATION'S EVERGLADES RESTORATION PLAN PRINCIPLES AND ELEMENTS—FEBRUARY 19, 1996

SUMMARY

The Clinton/Gore Administration will pursue a comprehensive plan to restore the Everglades and South Florida ecosystem. This plan will build on the substantial progress already achieved by the Administration working in concert with the Chiles/MacKay Administration, Senator Bob Graham and other parties. The Administration's Everglades restoration plan integrates literally dozens of individual activities, resulting in an ambitious and comprehensive restoration effort. The plan provides for:

Strategic land acquisitions sufficient to ensure successful restoration, including at least 100,000 acres in the Everglades Agricultural Area (EAA);

Acceleration of restoration projects and research activities already underway;

Broad restoration and protection efforts complements and support the health of Florida's economy and its citizens, now and in the future.

The Administration's plan recognizes that the costs of restoration should be borne by a balanced cost-share between the federal and state governments and those who have substantially benefited from federal programs and alterations to the ecosystem and who will potentially benefit from its restoration, including sugar-producing companies. The plan has three major funding components:

The creation of an ''Everglades Restoration Fund'' for land acquisition funded through appropriations of $100 million per year for 4 years, for a total of $400 million.

A 1 cent per pound increase in the marketing assessment on Florida sugar produced in the EAA, which will generate approximately $35 million per year. This will total $245 million over 7 years, and will constitute an ongoing source of revenues into the Everglades Restoration Fund.

A 25 percent increase in funding for federal agency programs, including, science, land management, water management projects, and other programs, from $104 million in 1996 to $131 million for 1997.

Overall, this approach will double the total federal funding for Everglades restoration to about $1.5 billion over the next 7 years. The Administration will use existing authorities and resources where available, and where necessary will seek new authorities from Congress.

GUIDING PRINCIPLES

A Shared Vision of Restoration: The restoration of the Everglades, a unique national treasure, requires a shared vision of the desired condition of the entire South Florida ecosystem—from the Kissimmee River to the Florida Keys—that will restore and maintain the biological diversity and sustainability of the ecosystem and support actions that incorporate economic, sociocultural, and community goals.

Expanded Partnerships: The federal government will continue to support and work with ongoing partnerships in South Florida with State, Tribal, and local governments, the private sector and individual citizens to accomplish ecosystem restoration and protection objectives, recognizing that the responsibility for issues of water and land use in the ecosystem are largely the responsibility of the State of Florida.

Non-Regulatory Programs: Non-regulatory programs, such as advance planning, research, and public-private cooperative efforts will be encouraged.

Shared Restoration Expenditures: The restoration expenditures should meet clearly defined objectives for the overall long-term effort to restore the ecosystem and should be borne jointly through a balanced cost-share between the federal and state governments and those who have substantially benefited from federal programs and alterations to the ecosystem and who will potentially benefit from its restoration, including sugar-producing companies.

Reliance on Sound Science: Restoration efforts must be scientifically sound, ecologically credible, and legally responsible. Research must be coordinated and focus on critical ecosystem needs, and together with careful monitoring, should support adaptive management.

ADMINISTRATION COMMITMENTS

Beginning with the FY97 budget request to Congress, the Administration will call for a total of about $1.5 billion in funding over seven years for Everglades restoration activities—double the current level. The funding will consist of $100 million in each of the next four years for land acquisition, plus $35 million in revenues each year from the assessment on Florida sugar, both to the Everglades Restoration Fund, as well as $130 million annually for research and ecosystem management.

The Administration will request authority to establish an ''Everglades Restoration

Fund'' to receive discretionary funds and sugar marketing assessment receipts. The Fund's resources will be available without fiscal year limitation. The federal resources will be managed jointly by a cabinet-level group.

The proposed funding, combined with existing and new legislative authorities, will lay the foundation to implement these commitments:

Commitment 1.—The Clinton Administration will increase its already substantial support for restoration and protection of the Everglades ecosystem. Specifically, we will:

Acquire in partnership with the State enough land to make restoration work, concentrating on the following areas: At least 100,000 acres of land in Everglades Agricultural Area for water storage, including acquisition of the Talisman Tract; water preserve/aquifer recharge areas in the eastern edge buffer area for water quality and storage along with drinking water protection, the size of which will be determined after further study and analysis; eastern Edge Buffer-Southern Transition Lands, for improved water delivery; and expansion of Everglades National Park and other parks and refuges.

Accelerate and ensure completion of water supply and control projects, including: Complete the Modified Water Deliveries Project; complete modifications to the C–111 Project, and revise the state/federal cost-share; complete the C–51 Project, including acquisitions of STA 1E; and complete the Kissimmee River Restoration Project.

Undertake necessary ecosystem management and planning, including: Accelerate completion of the Corps of Engineers Central & South Florida Project Restudy; develop a coordinated water quality improvement and protection plan for the south Florida ecosystem; strengthen water quality standards to protect the Everglades and Florida Bay; undertake with State and local officials a cooperation urban interface planning process; expand exotic species control programs; expand the Coral Reef Initiative; and accelerate the Florida Keys Water Quality Protection Program.

Commitment 2.—The Clinton Administration will work to ensure that Florida's sugarcane industry contributes its fair share of the costs of the restoration effort, in view of the industry's impact upon the environment and the benefits to industry from federal water projects and programs. Our policy will support collection of funding, seek to retire acreage where appropriate, improve management practices on those lands that remain in use, and engage the agricultural sector, both owners and workers, in the restoration effort. The President's budget request and other legislation will provide for: An assessment of 1 cent per pound of sugar produced in the Everglades Agricultural Area; cooperative programs with the agricultural community to employ workers in ecosystem restoration activities; and programs for transitional management of depleted and acquired lands, including using transferable development rights, sale lease-back arrangements or other tools.

Commitment 3.—The Clinton Administration will maintain and expand its partnership with the people of Florida in virtually every aspect of the Everglades restoration effort. The Administration's plan would rely upon and enhance the role of key intergovernmental and stakeholder forums. The President's budget and associated legislation will provide for: Continued operation of the South Florida Ecosystem Task Force; acceptance of the Governor's Commission on Sustainable South Florida as a permanent advisory committee to the Task Force; and continued close coordination with the South Florida Water Management District.

Commitment 4.—The Administration will extend its Reinventing Government policy to the Everglades restoration effort, applying innovative and flexible approaches to restoration. In the next year, the Administration will complete development and begin implementation of: A coordinated wetlands protection and permitting plan; and a multi-species recovery plan.

Commitment 5.—The Clinton Administration will reaffirm its support for changed sharing of the public costs of infrastructure projects, including associated land acquisition, related to restoration projects underway. It will explore the cost-sharing of future projects, following the completion of the Corps of Engineers' Restudy. The President's budget and associated legislation will provide for: Revised cost-sharing between the state and federal governments for public costs associated with the C–111 and C–51 restoration infrastructure projects.

Commitment 6.—The Clinton Administration will work to ensure that restoration efforts are guided by the best science available. The President's budget will provide funds to support: Increasing research activities related to monitoring water quality, mercury, Florida Bay and the Keys, and improved agricultural practices; continuation of the scientific review panel; and completion of the ecosystem scientific baseline.

Mr. Chairman, I commend the efforts of my colleagues on the other side of the aisle. I believe this is a real testament to the bipartisan nature and the national nature of Everglades restoration.

□ 1145

It is a crisis, however. It is a crisis in terms of Florida Bay and the Everglades that are degrading at every second that we wait, and this money to purchase land in the upstream area of the Everglades is a necessary condition based on the best science. It does not end the requirements of others to continue to pay, but it is a down payment that is definitely an essential ingredient.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Chairman, this is the final decision. The Senate has already put in this kind of language. The Senate, in their ag bill, sort of wanted to satisfy everybody to get the bill out of the Senate quickly, so the Senate has 500 pages and $5 billion more than what we came out with from the House. It is up to $6 billion now in the analysis.

Here is my problem with this amendment. If we say that all of the other taxpayers of the United States should contribute to help solve this problem, then it seems reasonable that all of the needs that are going to be considered for environmental cleanup be considered with the available money and it be decided how much goes to each one of those needed projects.

For this body now to bypass the Committee on Appropriations, to bypass the analysis of how do we best spend our environmental money is not consistent with the way Congress should operate. It should go through the scrutiny of appropriations. It should go through the scrutiny of the hearings process. It should not be passed as an amendment on this floor to obligate the taxpayers across the whole country to pay for this particular cleanup of the Everglades in Florida.

Mr. FOLEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida [Mr. GOSS].

(Mr. GOSS asked and was given permission to revise and extend his remarks.)

Mr. GOSS. Mr. Chairman, I will not use the full time. I appreciate my colleague, the gentleman from Florida [Mr. FOLEY], taking the initiative on this. The fact of the matter is that we have long tried in Florida. I have been standing on this floor for 7 years trying to get attention and others before me, and certainly a great grouping of our colleagues here today, bringing attention to this. It is a national problem. There is a Federal interest. There is farming going on. This is an appropriate connection, and we are doing the right thing.

Mr. Chairman, I would point out for those who have said, particularly my distinguished colleague who has spoken on this subject, are we paying our fair share in Florida, indeed we are. We are paying almost all the share in Florida. This is a national problem. We are trying to bring in now a small Federal participation in what is going to be a gigantic reward for all the citizens of America and the visitors who come here, and I urge strong support for this amendment.

Mr. Chairman, I thank my friend from Florida for yielding me this time. Mr. Chairman, I have stood here many times to argue that the Everglades is a national treasure that needs and deserves our help and we have taken steps in the past to address the degradation of the Everglades and Florida Bay, for which I am grateful but the time has come to make a full-fledged commitment. The alternative is to simply walk away and allow these two unique, priceless areas to die. That's unacceptable. We can do better, and the Foley amendment—and the similar provisions in the Senate bill—does better.

There is a legitimate Federal responsibility here—it was the Corps of Engineers—in conjunction with the State of Florida—that began altering and diverting the flow of fresh water to the Everglades and Florida Bay. The State of Florida, and the residents of its southwest coast have now made a major commitment to Everglades restoration, and it is time for the Federal Government to do the same

There is also a logical tie-in to the legislation before us, because the Everglades land that was drained south of Lake Okeechobee was turned into farmland, and farmers have benefited from the network of canals and drainable channels for years.

Two hundred and ten million dollars is a sizable commitment, and if this amendment passes I will continue to work with my colleagues to find ways to pay for this necessary expense. Right now, the key is for this House to take a bold step toward good environmental stewardship; to take up the challenge of restoring our ''River of Grass,'' and commit the Federal Government to its share of this worthy

endeavor. I urge my colleagues to support the Foley amendment.

Mr. OBEY. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, let me repeat, I think that the need for what the Florida delegation is talking about is clear. I think it is environmentally criminal to see what has been allowed to happen to the Everglades over the past three decades or more. But the fact is, if you take a look around the country, you have to get in line for regular appropriations.

We have national parks which are being impacted by pollution all around, and we have great need. All you have to do is talk to the Park Service and they will tell you we have a very serious need to expand some of those national parks to preserve their core environmental values, and yet they have to get in line for regular appropriations. But there is no such getting in line with respect to this problem, and that is what is wrong with this approach. I would assure the entire Florida delegation, I will be the first to support this provision if it is subject to appropriations. But I cannot in good conscience support it, even though I agree with the goal, when it is being set aside, being put ahead of virtually every other urgent environmental problem in the country. That is just not the way to do business in a country with as many problems as we have.

Mr. FOLEY. Mr. Chairman, I yield 30 seconds to the gentleman from Florida [Mr. CANADY].

Mr. CANADY of Florida. Mr. Chairman, I am pleased to rise today in support of the Foley amendment to give priority funding for responsible restoration activities in the Florida Everglades. The Florida Everglades are truly an environmental treasure. The healthy Everglades and a prosperous Florida economy are not only compatible but also mutually dependent.

We have established an historic partnership between the Federal Government and the State of Florida and the agricultural industry to fund these cleanup efforts. I am very pleased that this Congress is standing with the people of Florida is support of this responsible effort. I am pleased to support the amendment of my colleague from Florida, and I want to commend my colleague from Florida [Mr. FOLEY] for his leadership on this outstanding issue.

Mr. OBEY. Mr. Chairman, I yield 2½ minutes to the gentleman from Louisiana [Mr. LIVINGSTON], the distinguished chairman of the Committee on Appropriations.

(Mr. LIVINGSTON asked and was given permission to revise and extend his remarks.)

Mr. LIVINGSTON. Mr. Chairman, I thank the distinguished ranking member on the Appropriations Committee and my good friend, the gentleman from Wisconsin [Mr. OBEY], for yielding time to me.

Mr. Chairman, I did not expect to be back here making this argument again, certainly not before noon today, but it appears that I have to. I think that this is a matter that ought to come before the Members for another vote. Because quite possibly notwithstanding my tirades of the first half of business today, Members did not really understand that despite all of the good intentions that they have today, helping the environmental community clean up our wetlands and so forth, what this amendment does and what we did with the Boelhert amendment, and the provision which was the LEAP Program, which was incorporated and doubled by the Boelhert amendment earlier, is to create entitlements out of what have been discretionary programs.

Now, we might say they are for good intentions, and agree. We might say the substance is fine and good and decent. It purifies the air and the land and the fish and the wildlife, and I say fine. But I say this is not an environmental issue. This is a budgetary issue.

For the last 14 months, the American Congress, on both sides of this Capitol, has told the American people it is mandatory, it is absolutely essential that we balance the budget of the United States. And, as we know, mandatory spending is two-thirds of the equation, two-thirds of the $1.6 trillion that this Government spends every single year. Discretionary, spending which we have had great success in deterring and slowing down and cutting in recent months, has been going down, but we cannot balance the budget with discretionary spending alone.

We have got to get a handle on entitlements, and that means reducing the number of entitlements, not increasing them. We have already created a $2.1 billion entitlement earlier this morning out of what was a $75 million discretionary spending program, and this will create another entitlement. I urge my budgetary-conscious Members to vote against the amendment. Do not create any more entitlements and let us stop this foolishness or admit to the American people that we are not interested in balancing the budget.

Mr. FOLEY. Mr. Chairman, I yield 1 minute to the gentleman from Kansas [Mr. ROBERTS].

Mr. ROBERTS. Mr. Chairman, as the distinguished and very impressive chairman of the Appropriations Committee has pointed out, the road to bankruptcy is paved with good intentions. And as the gentleman from Wisconsin [Mr. OBEY] has pointed out in opposition to the bill, there are other environmental programs that certainly are very meritorious.

I think in my discussions with the gentleman from Florida, he has indicated that Federal land exchange is a better way to address this issue or certainly would be helpful, no cost to the taxpayer, wise use of surplus government lands. It would protect the Everglades and protect the other environmental programs that the gentleman from Wisconsin [Mr. OBEY] wants to fund. It would also address the budget issues that the gentleman from Louisiana [Mr. LIVINGSTON] has.

MODIFICATION OF AMENDMENT OFFERED BY MR. ROBERTS TO THE AMENDMENT OFFERED BY MR. FOLEY

Mr. ROBERTS. Mr. Chairman, I notice on line 11 of the amendment, it says, ''Shall use the funds to conduct restoration activities in the Everglades ecosystem, which may include acquiring private acreage in the Everglades.''

Mr. Chairman, I ask unanimous consent that the amendment be modified to change ''may'' to ''shall.'' We can answer the problems with the budget in part and the problems by the gentleman from Wisconsin [Mr. OBEY] in terms of other very fine environmental programs.

Mr. FOLEY. Mr. Chairman, I would agree to the inclusion of ''shall'' in line 11.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

Mr. DEUTSCH. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. FOLEY. Mr. Chairman, I yield 30 seconds to the gentleman from Florida [Mr. HASTINGS].

Mr. HASTINGS of Florida. Mr. Chairman, I support the gentleman, and I would like to refer some of my remarks to the gentleman from Louisiana [Mr. LIVINGSTON], chairman, and to the gentleman from Wisconsin [Mr. OBEY], ranking member, both of whom I have immense respect for, and I genuinely mean that.

The fact of the matter is that the Florida Everglades are the second largest national park in the United States of America, and while I agree that everybody ought get in line, this is a pay me now or pay me later situation. What is going to happen, if we do not do this soon, and I mean sooner than later, is we are going to find ourselves in the position of having to pay a great deal more.

Mr. Chairman, I rise to express my support for the Foley amendment. Mr. Speaker, the Florida Everglades is the largest subtropical wetland in the United States and this country's second largest national park.

Spanning south Florida from the coral reefs off the Keys to the headwaters of the Kissimmee River near Orlando, the size of the Everglades is only surpassed by the number of diverse ecosystems and habitats it supports. Nurturing the existence of humans and literally hundreds of wildlife species, the Everglades houses the most complex ecosystem in the United States. It is in urgent need of restoration and this amendment is another step in the long process of restoring the Glades to its proper majesty.

Mr. Chairman, this amendment enjoys bipartisan and bicameral support. Vote for the Foley amendment and help keep the Everglades part of America the Beautiful.

Mr. FOLEY. Mr. Chairman, I yield 30 seconds to the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Chairman, I urge my colleagues to adopt this amendment.

The Everglades are not just a Florida treasure but they are a national treasure. While agriculture practices have

contributed to the degradation of the Everglades, overdevelopment and also Federal projects and paving and growth have contributed just as much to the pollution of the Everglades. Now we all have an obligation to roll up our sleeves and begin the Everglades clean-up and restoration. Only through a combined effort of State, Federal, and local and private efforts can we make that happen, and we can make it happen here today.

Mr. FOLEY. Mr. Chairman, am I correct to assume I will have the right to close on this amendment?

The CHAIRMAN. The gentleman from Florida will have the right to close.

Mr. FOLEY. Mr. Chairman, I yield 30 seconds to the gentlewoman from Florida [Mrs. MEEK].

Mr. OBEY. Mr. Chairman, I yield 30 seconds to the distinguished gentlewoman from Florida even though we are on different sides of this issue.

The CHAIRMAN. The gentlewoman from Florida [Mrs. MEEK] is recognized for 1 minute.

(Mrs. MEEK of Florida asked and was given permission to revise and extend her remarks.)

□ 1200

Mrs. MEEK of Florida. Mr. Chairman, I am in strong support of the Foley amendment, and I understand our appropriations chairman, the gentleman from Louisiana [Mr. LIVINGSTON], who has so capably tried to do the mandate that he had. I also respect the ranking member, the gentleman from Wisconsin [Mr. OBEY].

But there is something that we must take into consideration because of the very strength of what we are trying to do. This provides $200 million to help restore one of America's truly unique and natural resources, the Florida Everglades. It is so important to us because every drop of drinking water in south Florida comes from the ground.

If you keep that in consideration and in mind, we are, the Everglades is the sole source, because all of the aquifers are there, and they are the sole-source aquifer State. Without water, water quality and quantity, we will lose some of our very best resources, you know, in the Florida bay. I do not think I need to update the Congress on the importance of the Florida Everglades. But the amendment offered by my colleague from Florida is very good, and I want the Congress to pass it.

Mr. Chairman, I rise in strong support of the Foley amendment, which provides $200 million to help restore one of America's truly unique natural resources, the Florida Everglades. My district in south Florida is adjacent to the Everglades, and I know from experience that the welfare of all of south Florida depends on the Everglades.

You see, Mr. Chairman, every drop of drinking water in south Florida comes from the ground. We are a sole-source aquifer State, and we need to maintain our water quality and quantity in these aquifers—there is no choice.

Mr. Chairman, only a healthy Everglades can protect the water supply of millions of people. Commercial and sports fishing and tourism are key industries in my State. Our coastal waters must be kept clean for wildlife and fish, for our own health and enjoyment, and for commercial use and tourism. The Everglades empty into Florida Bay, an important marine nursery. A healthy Everglades is indeed the linchpin of our south Florida economy, and a key to fisheries in the entire Gulf of Mexico.

The funds in this amendment will buy land to protect the Everglades ecosystem, including land to protect the Everglades ecosystem, including land that otherwise would be developed. Mr. Chairman, this will help all of us. What we need in south Florida is redevelopment of our urban areas, focusing our growth in areas where it makes environmental and economic sense. I believe that this $200 million for the restoration of the Everglades is an important down payment on a more ecologically sound future, and I urge my colleagues to support this amendment.

Mr. FOLEY. Mr. Chairman, I yield 30 seconds to the gentleman from Florida [Mr. SHAW].

(Mr. SHAW asked and was given permission to revise and extend his remarks.)

Mr. SHAW. Mr. Chairman, I think the points have been made here today, but there is one thing that I want the Members to leave here really impressed upon their mind, and that is, why are we in Florida waiting in line.

Several reasons. One, there is a national park at stake, the life of a national park. There is the water supply for south Florida. There is the health of the Florida Bay, which is the nursery for all of the fisheries around the coast of Florida.

This is irreparable damage occurring in south Florida. It is not a question, We do not have the luxury of being able to wait 2 or 3 years. The damage would be complete, and it would be final.

Mr. Chairman, I rise today to voice my support for Representative FOLEY's amendment which provides for a $210 million appropriation that will be used to conduct restoration activities in the Everglades National Park and to purchase lands within the Everglades Agricultural Area. The Everglades' unique, fragile ecosystem has been strained, and it is now estimated that 130,000 acres of land need to be taken out of production in the Everglades Agricultural Area [EAA] to regain a reasonable flow of clean water through the Everglades and into Florida Bay.

Immediate action is needed to halt the rapid deterioration of the Everglades, which are dying at the incredible rate of 3 acres everyday. If we fail to act, Florida residential and recreational areas and businesses will suffer increasing water supply problems, and the south Florida fishing, diving, and tourism industries will be endangered.

I believe that the farmers who grow their crops in the Everglades Agricultural Area need to be financially responsible for the damage that their farming does to the Everglades. However, this bill is the first step in the preservation and restoration of Florida Bay and the Everglades, both of which are of tremendous value to our Florida economy in addition to being two of the most beautiful and priceless areas on earth.

I urge my colleagues to vote for this pro-environment vote and take the first step in saving the Everglades.

Mr. OBEY. Mr. Chairman, I yield myself the remainder of my time.

Mr. Chairman, I greatly respect the gentleman who just spoke.

But let me point something out. This Congress has voted to reduce EPA enforcement by one-third. They have voted to gut an entire string of environmental protection programs. And then, having done that, on the appropriations bill, now they come in and say, ''Oh, by the way, I have got a special, urgent problem in my State, and so forget all of the need to cut the budgets.''

For every last one of you who voted to cut the EPA's budget, who voted to cut the Interior appropriation bill the two budgets for strengthening our environmental protection, every last one of you who voted for it will be putting yourselves in an absolutely hypocritical position if you now vote for this amendment today because you will say that in spite of everything that you did to all other regions of the country, you are going to give this problem a special deal. The American public is tried of special deals.

I want to see the Everglades protected. I want to see the Everglades protected. But I want to see the Great Lakes protected, I want to see our ocean shores protected, I want to see the Mississippi River cleaned up, I want to see all of our national parks protected.

When you are willing to do that, come and see me. But do not ask for a special deal for one State for one group. That is not fair. It is not right. You ought to vote this down.

Mr. FOLEY. Mr. Chairman, I yield the balance of my time to the gentleman from Georgia [Mr. GINGRICH], the Speaker of the House.

Mr. GINGRICH. Mr. Chairman, I thank my friend, the gentleman from Florida, for yielding me this time.

Let me say that on procedural grounds, the chairman and ranking member of the Committee on Appropriations make a good case. But they also know that this legislative process often has unique provisions and often has things which are handled in ways that do not necessarily directly involve the Committee on Appropriations. There are other committees. There is a broader body, called the House, and the other side. There are other committees in the Senate, and there is a broader body, called the Senate.

The question here is very straightforward. We have an opportunity in this bill today to vote to continue a process which was begun at the State level and which is, in fact, moving in the right direction; that is, to save the Everglades, but, equally important, to save the water supply of south Florida.

I think this amendment can be improved, and I hope in conference it is going to be improved. I hope in conference it is going to be improved in a way which both the gentleman from Louisiana [Mr. LIVINGSTON] and the gentleman from Wisconsin [Mr. OBEY] will appreciate.

The truth is we have a limit of money. The truth is we are never going to have enough money to do everything we would like to do around the country.

One of the things that I actively, working with a number of Members, including Chairman POMBO of the Natural Resources Subcommittee that deals with this, am working on is the Sterling Forest Preserve, which is also a water supply problem. The Sterling Forest provides water for New York City and for one-third of New Jersey, and there we have talked about finding a land swap.

Let me suggest, when we get to conference we are going to do all we can to replace the cash requirements with an ability of the Federal Government to take quantities of land all over this country, HUD-owned land in Washington and New York and in Atlanta and Miami and Orlando, land owned by various Federal bureaus in the West, land that is not environmentally necessary, and to the degree we can package land swaps and enable this to occur without drawing upon appropriated funds, I think that is a better way to go.

I am very sympathetic to the chairman of the Committee on Appropriations, who has done heroic work in moving us toward a balanced budget. But on this occasion, in getting this amendment to conference, in setting the stage for negotiating with the Senate and for developing, frankly, a proposal which will both save the Everglades, provide water supply for south Florida and, I think, establish a precedent for this country of using the Federal lands in an intelligent way to take care of the environmentally needy areas, to take care of the urban areas and to do so in a rational way, I think this is a positive step.

I commend the gentleman from Florida [Mr. FOLEY] for bringing it to the floor. I think it is very important. I commend the gentleman from Florida [Mr. SHAW] for the leadership he has shown on the Committee on Ways and Means for dealing with the same issue.

I think we have to take steps on behalf of the Everglades. We have to take steps on behalf of fresh water in south Florida. I think this is the right amendment to do it with. This starts us down that process.

I do assure my colleagues we will be working in conference to maximize the opportunity to use land swaps instead of appropriated funds. I know you are very sympathetic with the concerns that the appropriators have raised today.

I simply urge a ''yes'' vote for a very good amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. FOLEY].

The question was taken; and the chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. LIVINGSTON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 299, noes 124, note voting 9, as follows:

[Roll No. 39]

AYES—299

Abercrombie	English	LaHood
Ackerman	Ensign	Lantos
Allard	Eshoo	Latham
Andrews	Evans	LaTourette
Archer	Everett	Lazio
Armey	Ewing	Leach
Bachus	Farr	Levin
Baesler	Fattah	Lewis (GA)
Baker (CA)	Fazio	Lewis (KY)
Baldacci	Fields (LA)	Lightfoot
Ballenger	Fields (TX)	Linder
Barcia	Flake	Lipinski
Bartlett	Flanagan	LoBiondo
Barton	Foglietta	Lofgren
Bass	Foley	Longley
Beilenson	Forbes	Lowey
Berman	Fowler	Maloney
Bevill	Fox	Manton
Bilbray	Franks (NJ)	Manzullo
Bilirakis	Frelinghuysen	Markey
Bishop	Frisa	Martinez
Bliley	Frost	Martini
Blute	Ganske	Mascara
Boehlert	Gejdenson	Matsui
Boehner	Gephardt	McCollum
Bonilla	Geren	McDade
Bonior	Gibbons	McDermott
Bono	Gilchrest	McHale
Borski	Gillmor	McHugh
Boucher	Gilman	McInnis
Browder	Gingrich	McIntosh
Brown (CA)	Gonzalez	McNulty
Brown (FL)	Goodlatte	Meehan
Brown (OH)	Goodling	Meek
Brownback	Gordon	Menendez
Bryant (TX)	Goss	Metcalf
Bunning	Graham	Meyers
Burr	Green	Mica
Burton	Greenwood	Miller (CA)
Buyer	Gutierrez	Miller (FL)
Camp	Gutknecht	Mink
Campbell	Hall (OH)	Molinari
Canady	Hamilton	Mollohan
Cardin	Hansen	Moran
Castle	Harman	Morella
Chabot	Hastert	Murtha
Chapman	Hastings (FL)	Myrick
Chenoweth	Hefley	Nadler
Christensen	Hefner	Neal
Chrysler	Heineman	Ney
Clay	Hilliard	Norwood
Clayton	Hinchey	Nussle
Clement	Hobson	Olver
Clinger	Hoekstra	Orton
Coleman	Hoke	Owens
Collins (MI)	Holden	Pallone
Conyers	Horn	Paxon
Coyne	Houghton	Payne (NJ)
Cramer	Hoyer	Payne (VA)
Cremeans	Hutchinson	Pelosi
Cunningham	Hyde	Peterson (FL)
Davis	Inglis	Peterson (MN)
Deal	Jackson (IL)	Pomeroy
DeFazio	Jackson-Lee (TX)	Porter
DeLauro	Johnson (CT)	Portman
Dellums	Johnson (SD)	Pryce
Deutsch	Johnson, E. B.	Quillen
Diaz-Balart	Johnston	Quinn
Dickey	Kasich	Rahall
Dicks	Kelly	Ramstad
Dixon	Kennedy (MA)	Rangel
Dooley	Kennelly	Reed
Dornan	Kildee	Richardson
Dunn	King	Riggs
Durbin	Kingston	Rivers
Edwards	Kleczka	Roberts
Ehlers	Klug	Roemer
Ehrlich	LaFalce	Ros-Lehtinen
Engel	Roth	Rose
Roukema	Solomon	Waldholtz
Rush	Souder	Walsh
Salmon	Spence	Wamp
Sanders	Spratt	Ward
Sawyer	Stark	Waters
Saxton	Stearns	Waxman
Scarborough	Studds	Weldon (FL)
Schaefer	Stupak	Weldon (PA)
Schiff	Talent	Weller
Schumer	Tate	White
Scott	Thomas	Whitfield
Seastrand	Thompson	Wicker
Shadegg	Thornton	Williams
Shaw	Thurman	Wilson
Shays	Torkildsen	Wise
Shuster	Torres	Wolf
Sisisky	Torricelli	Woolsey
Smith (NJ)	Towns	Wynn
Smith (TX)	Upton	Yates
Smith (WA)	Vento	Young (FL)
	Volkmer	Zimmer

NOES—124

Baker (LA)	Hall (TX)	Parker
Barr	Hancock	Pastor
Barrett (NE)	Hastings (WA)	Petri
Barrett (WI)	Hayes	Pickett
Bateman	Hayworth	Pombo
Bentsen	Herger	Poshard
Bereuter	Hilleary	Radanovich
Brewster	Hostettler	Rogers
Bryant (TN)	Hunter	Rohrabacher
Bunn	Istook	Roybal-Allard
Callahan	Jacobs	Royce
Calvert	Jefferson	Sabo
Chambliss	Johnson, Sam	Sanford
Coble	Jones	Schroeder
Coburn	Kanjorski	Sensenbrenner
Collins (GA)	Kaptur	Serrano
Combest	Kennedy (RI)	Skaggs
Condit	Kim	Skeen
Cooley	Klink	Skelton
Costello	Knollenberg	Slaughter
Cox	Kolbe	Smith (MI)
Crane	Largent	Stenholm
Crapo	Laughlin	Stockman
Cubin	Lewis (CA)	Stump
Danner	Lincoln	Tanner
DeLay	Livingston	Tauzin
Dingell	Lucas	Taylor (MS)
Doggett	Luther	Taylor (NC)
Doolittle	McCarthy	Tejeda
Doyle	McCrery	Thornberry
Dreier	McKeon	Tiahrt
Duncan	Minge	Traficant
Emerson	Montgomery	Velazquez
Fawell	Moorhead	Visclosky
Filner	Myers	Vucanovich
Ford	Nethercutt	Walker
Frank (MA)	Neumann	Watt (NC)
Franks (CT)	Oberstar	Watts (OK)
Funderburk	Obey	Young (AK)
Gallegly	Ortiz	Zeliff
Gekas	Oxley	
Gunderson	Packard	

NOT VOTING—9

Becerra	de la Garza	Moakley
Clyburn	Furse	Regula
Collins (IL)	McKinney	Stokes

☐ 1225

Ms. VELÁZQUEZ, Ms. DANNER, and Ms. ROYBAL-ALLARD changed their vote from ''aye'' to ''no.''

Messrs. OWENS, MATSUI, BRYANT of Texas, and SALMON changed their vote form ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. MOAKLEY. Mr. Chairman, I was detained in a meeting during the rollcall vote numbered 39 on the Everglades amendment had I been present, I would have voted ''yes.''

Mr. ROBERTS. Mr. Chairman, I ask unanimous consent at this point to enter into a colloquy with the gentleman from Georgia, [Mr. CHAMBLISS] as it relates to the production flexibility contract that is contained in this bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

There was no objection.

The CHAIRMAN. The gentleman from Kansas [Mr. ROBERTS] is recognized for 5 minutes.

Mr. ROBERTS. Mr. Chairman, I yield to the gentleman from Georgia [Mr. CHAMBLISS].

Mr. CHAMBLISS. Mr. Chairman, this bill authorizes the use of binding production flexibility contracts between the United States and owners and operators of farmland to ensure farming certainty and flexibility while ensuring continued compliance with farm conservation compliance plans and wetland protection requirements. Is this guarantee of payment?

Mr. ROBERTS. Mr. Chairman, I thank the gentleman for asking that important question. Let me first say that it is clearly the intent of Congress that the market transition payment provided by the 7-year production flexibility contract is an express and unmistakable contract between the United States and the owner and operator of farmland. Because the market transition payment is based on the 7-year contract it is the intent of the legislation that the payment is guaranteed.

The CHAIRMAN. Pursuant to the order of the House of Wednesday, February 28, 1996, it is now in order to consider the amendment offered by the gentleman from Ohio [Mr. TRAFICANT] in lieu of amendment No. 15 printed in House Report 104–463.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TRAFICANT: At the end of title V (page 139, after line 17), add the following:

SEC. SENSE OF CONGRESS REGARDING PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS; REQUIREMENTS REGARDING NOTICE

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act or amendments made by this Act, it is the sense of the Congress that persons receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act or amendments made by this Act, the Secretary of Agriculture shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

The CHAIRMAN. Pursuant to the rule, the gentleman from Ohio [Mr. TRAFICANT] and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

□ 1230

Mr. TRAFICANT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a standard buy American amendment that I have offered to many bills. As Members know, I substituted this amendment last night under unanimous consent for the weatherization amendment I was to offer.

I would just like to state this: I seem to have an acceptance by both parties on this. In 1990, the Congress of the United States legislated there would be 10 regions that would implement a national agricultural weather service, specifically geared to farmers and their needs. The Agriculture Department threw it in the can like many of these executive branch agencies have. So the Traficant amendment would have, in fact, brought that into being and, in fact, extended it to all 50 States.

Before I close out my time, let me say this to the Congress: I think in agriculture, we should have a program with our technology where a farmer in your State and in your county can call an 800 number and find out if it is going to rain in the next couple days, a little basic common sense.

So I have withdrawn that amendment. I am working with the committee. I want help for it. And if I do not get the help, I will not withdraw it next time. But this buy American amendment makes a lot of sense. It does not tie anybody's hands.

I would like to compliment the Committee on Agriculture here. One of our good, positive balance of payments is in agriculture. My amendment here, the buy American amendment, certainly would be a benefit in that regard.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does any Member rise in opposition to the amendment?

Mr. ROBERTS. Mr. Chairman, I am not in opposition to the amendment.

Mr. TRAFICANT. Mr. Chairman, I yield such time as he may consume to the gentleman from Kansas [Mr. ROBERTS].

Mr. ROBERTS. Mr. Chairman, we will try very hard to address the gentleman's concerns in regards to the previous amendment that he described that he has withdrawn. It is my understanding that the gentleman has or is going to offer his traditional buy American amendment. We have no opposition to that, and we wish to thank the gentleman.

Mr. TRAFICANT. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, I would associate myself with the remarks of the chairman. And we have no objections also, and we also assure him that we will work with the gentleman regarding the previous amendment that he dropped.

Mr. TRAFICANT. Mr. Chairman, I ask for an affirmative vote, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 16 printed in House Report 104–463.

AMENDMENTS EN BLOC OFFERED BY MR. STENHOLM

Mr. STENHOLM. Mr. Chairman, I offer amendments en bloc.

The CHAIRMAN. Is the gentleman the designee of the gentleman from Texas [Mr. DE LA GARZA]?

Mr. STENHOLM. Yes, Mr. Chairman.

The CHAIRMAN. The Clerk will designate the amendments en bloc.

The text of the amendments en bloc is as follows:

Amendments en bloc offered by Mr. STENHOLM:

AMENDMENT NO. 3: Page 30, strike lines 1 through 9 and insert the following new subparagraphs:

(A) SOYBEANS.—The loan rate for a marketing assistance loan for soybeans shall be not less than 85 percent of the simple average price received by producers of soybeans, as determined by the Secretary, during 3 years of the 5 previous marketing years, excluding the years in which the average price was the highest and the year in which the average price was the lowest in the period.

(B) SUNFLOWER SEED, CANOLA, RAPESEED, SAFFLOWER, MUSTARD SEED, AND FLAXSEED.—The loan rates for a marketing assistance loan for sunflower seed, canola, rapeseed, safflower, mustard seed, or flaxseed shall be not less than 85 percent of the simple average price received by producers of such oilseed, as determined by the Secretary, during 3 years of the 5 previous marketing years, excluding the years in which the average price was the highest and the year in which the average price was the lowest in the period.

H.R. 2854

OFFERED BY: MR. DE LA GARZA

AMENDMENT NO. 4: Strike section 109 (page 78, line 8, through page 80, line 15), relating to elimination of permanent price support authority, and insert the following new section:

SEC. 109. SUSPENSION AND REPEAL OF PERMANENT AUTHORITIES.

(a) AGRICULTURAL ADJUSTMENT ACT OF 1938.—

(1) IN GENERAL.—The following provisions of the Agricultural Adjustment Act of 1938 shall not be applicable to the 1996 through 2002 crops of any commodity:

(A) Parts II through V of subtitle B of title III (7 U.S.C. 1326–1351).

(B) Subsections (a) through (j) of section 358 (7 U.S.C. 1358).

(C) Subsections (a) through (h) of section 358a (7 U.S.C. 1358a).

(D) Subsections (a), (b), (d), and (e) of section 358d (7 U.S.C. 1359).

(E) Part VII of subtitle B of title III (7 U.S.C. 1359aa–1359jj).

(F) In the case of peanuts, part I of subtitle C of title III (7 U.S.C. 1361–1368).

(G) In the case of upland cotton, section 377 (7 U.S.C. 1377).

(H) Subtitle D of title III (7 U.S.C. 1379a–1379j).

(I) Title IV (7 U.S.C. 1401–1407).

(2) REPORTS AND RECORDS.—Effective only for the 1996 through 2002 crops of peanuts, the first sentence of section 373(a) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1373(a)) is amended by inserting before ''all brokers and dealers in peanuts'' the following: ''all producers engaged in the production of peanuts,''.

(b) AGRICULTURAL ACT OF 1949.—

(1) SUSPENSIONS.—The following provisions of the Agricultural Act of 1949 shall not be applicable to the 1996 through 2002 crops of any commodity:

(A) Section 101 (7 U.S.C. 1441).
(B) Section 103(a) (7 U.S.C. 1444(a)).
(C) Section 105 (7 U.S.C. 1444b).
(D) Section 107 (7 U.S.C. 1445a).
(E) Section 110 (7 U.S.C. 1445e).
(F) Section 112 (7 U.S.C. 1445g).
(G) Section 115 (7 U.S.C. 1445k).
(H) Title III (7 U.S.C. 1447–1449).
(I) Title IV (7 U.S.C. 1421–1433d), other than sections 404, 406, 412, 416, and 427 (7 U.S.C. 1424, 1426, 1429, 1431, and 1433f).
(J) Title V (7 U.S.C. 1461–1469).
(K) Title VI (7 U.S.C. 1471–1471j).

(2) REPEALS.—The following provisions of the Agricultural Act of 1949 are repealed:

(A) Section 103B (7 U.S.C. 1444–2).
(B) Section 108B (7 U.S.C. 1445c–3).
(C) Section 113 (7 U.S.C. 1445h).
(D) Section 114(b) (7 U.S.C. 1445j(b)).
(E) Sections 202, 204, 205, 206, and 207 (7 U.S.C. 1446a, 1446e, 1446f, 1446g, and 1446h).
(F) Section 406 (7 U.S.C. 1426).

(C) SUSPENSION OF CERTAIN QUOTA PROVISIONS.—The joint resolution entitled ''A joint resolution relating to corn and wheat marketing quotas under the Agricultural Adjustment Act of 1938, as amended'', approved May 26, 1941 (7 U.S.C. 1330 and 1340), shall not be applicable to the crops of what planted for harvest in the calendar years 1996 through 2002.

(d) SUSPENSION OF PARITY PRICE PROGRAM FOR MILK.—Section 201(c) of the Agricultural Act of 1949 (7 U.S.C. 1446(c)) is amended by striking ''section 204'' and inserting ''section 201 of the Agricultural Market Transition Act''.

H.R. 2854

OFFERED BY: MR. DE LA GARZA

AMENDMENT NO. 5: At the end of title V (page 139, after line 17), add the following new section:

SEC. 507. INVESTMENT FOR AGRICULTURE AND RURAL AMERICA.

Section 5 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c) is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following:

''(g) Make available $3,500,000,000 for the following purposes:

''(1) Conducting rural development activities pursuant to existing rural development authorities.

''(2) Conducting conservation activities pursuant to existing conservation authorities.

''(3) Conducting research, education, and extension activities pursuant to existing research, education, and extension authorities.''.

The CHAIRMAN. Pursuant to the rule, the gentleman from Texas [Mr. STENHOLM] and a Member opposed each will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, a brief explanation of the amendment before us today. We propose in this amendment to fund the fund for rural America to the degree of $3.5 billion, to meet the rural development conservation research and extension priorities and needs of rural America that we believe are not and have not and will not be met in the funding as before us in H.R. 2854.

I would hasten to point out, for budget reasons, the $3.5 billion additional spending conforms to the coalition budget that was offered last year that balances our budget in 7 years, Congressional Budget Office scoring. We believe and have consistently said that the current farm bill and the cuts as proposed in agriculture are too severe, particularly in the area of rural development. And we have suggested that additional funding must be made available, and that is what this amendment does.

It also includes a provision for the oilseeds. In the transition market program that is in the base bill, the oilseeds are shortchanged. For too long, the oilseeds have been shortchanged and, as we had a discussion yesterday regarding the market loan for cotton, we believe that a similar oilseed marketing loan is also very applicable and very much needed.

The CBO score on the oilseed cost is $103 million over 7 years, but I hasten to point out that soybeans represent the third largest United States crop with the second largest value. I think some additional investment to see that that industry remains a strong and viable industry is warranted, and that is why we offer that as a second part of our amendment.

The third part to the amendment deals with continuation of permanent law. On this side we have been very, very nervous about the ending of farm programs under any shape, form or fashion. We understand that there is a commission that will be studying what we replace, if we replace, agricultural legislation. We think, though, that we should delete the base bill provision which repeals permanent law to give us a little extra added incentive just in case the commission or the Congress should be as hopelessly deadlocked in 2002, as we were in 1995. And, therefore, the three parts of our amendment: the fund for rural America, the oilseed marketing loan and the continuation of permanent law.

Mr. ROBERTS. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Kansas [Mr. ROBERTS], is recognized for 30 minutes.

Mr. ROBERTS. Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana, [Mr. LIVINGSTON], chairman of the House Committee on Appropriations, who, in the words of our Speaker, has made heroic efforts in order to bring our spending under control.

Mr. LIVINGSTON. Mr. Chairman, I thank the distinguished chairman of the Committee on Agriculture for yielding time to me. I hope I can say that this time we are on the same side.

Mr. Chairman, this will be the third time I have come before the House today with this argument. This time we are talking about a $3.5 billion program. It would be meritorious, all good intent, maybe the money should be spent, but you are taking it out of the discretionary arena for Congress to raise or lower at the discretion and writing it into law, into mandatory law, as I understand it.

I would be happy to yield to the gentleman. If I am wrong, I would like to know it. But as I understand this program, it becomes a mandatory, locked-into-law program that spends $3.5 billion for purpose which may well be meritorious. I am not quarreling with the gentleman on substance, but if, in fact, I am correct on that, I would only make this point: We have already taken two programs that were discretionary and made them mandatory. Today we have done that.

One was a $2.1 billion program and the other will be at least $2 billion. I have 13 appropriation bills here. These represent one-third of the Federal budget, $1.6 trillion that we spend every year. The two-thirds of the money we spend every year is locked into law. We cannot do anything. Congress does not do anything. We do not have to do anything. It is just going to be spent. Gradually what we have done today is take some of the two programs and move them over from the discretionary side to the mandatory side.

Why do we not just take all 13 bills, just throw them out. Just start with the agricultural bill, put all the appropriations bills right here. Make one amendment and take them from discretionary to mandatory. We can all go home. We can do what Lamar Alexander says, we can go home to our districts. We can cut our pay by 90 percent or maybe 100 percent because we are not going to be doing a darned thing. Bill Clinton will be President and the executive branch will run the Government and the U.S. Congress will cease to function. That is what the gentleman is seeking, if I understand it. I may be wrong. I know the gentleman has his own time.

But if he is seeking to make a mandatory program, $3.5 billion out of what was formerly discretionary, we might as well take all 13 appropriations bills, abolish the discretionary side of the equation and make it all mandatory and forget about legislating. We will be abdicating our responsibility to the American people so we might as well all quit at the same time.

Mr. STENHOLM. Mr. Chairman, I yield myself such time as I may consume.

I wish that the chairman would listen for just a moment, because it is not the intention of this amendment to do any of what the gentleman was describing.

The intention of this amendment is to recognize the tremendous pressures and the frustration that has occurred this year between the appropriators and the authorizers regarding the adequacy of funding for many of the programs in the agricultural function.

I am perfectly willing to let the appropriators make that decision, if that were possible, but the gentleman and I both would agree that if we put this

money into the discretionary pot, then it would be up to the appropriators as to whether the $3.5 billion would end up in the agriculture function or would end up somewhere else, meeting more appropriate needs. I do not argue with that process which we have to go through, the appropriators, and I am very sympathetic to that.

But what we are trying to do in the same spirit of the transition market program, in which we are capping entitlements, this is one entitlement that is being capped. I believe the gentleman would agree with that. That is the strength of the Freedom To Farm Act. It is capping the expenditures at a fixed limit. It is reducing it by 46 percent as compared to the last 5 years.

The gentleman and I would both agree that if every other entitlement was making that kind of a reduction, our budget would be balanced. But in doing that, in the debate, in the tremendous pressure that the Committee on Appropriations is undergoing, agriculture and rural America is getting squeezed, squeezed and squeezed, through no fault of the chairman. So all we can think of how we might help work the gentleman's problem and our problem in a cooperative way is to suggest that we increase the CCC funding and make it available specifically for the purpose of agriculture. If the gentleman could show me another way to do it, we would be glad to amend our budget to do it.

As I said in my opening remarks, balancing the budget, there is no one that is more interested and more dedicated to doing that. We do it under our budget, not under the gentleman's budget. My difficulty with the majority in this is I believe that they are asking too much from agriculture and rural America, so we suggest putting some back and we try to control it. I am perfectly willing to let the gentleman have the partnership that we all would share in how we spend it.

Mr. ROBERTS. Mr. Chairman, I yield myself such time as I may consume.

As I have indicated, I rise in opposition to the amendment, basically for three reasons. One is in reference to the oilseed or the proposed oilseed loan program.

The Senate version of this added $132 million to the cost of their farm bill proposal. I do not know what the CBO estimate is of the gentleman's amendment. But I will move on to two other considerations.

This amendment strikes provisions that repeal a multitude of what I think are outdated statutes, as they refer to agriculture. We are talking about something here called permanent law or permanent agriculture law of either the 1938 or the 1949 farm bills. They have not been used for all practical purposes for decades. With a few exceptions, which our bill does recognize, these statutes really represent farm policy that is woefully outdated.

□ 1245

It simply does not apply to the modern-day world of agriculture.

I think we need to clean up the agriculture statute and get rid of these policies and provisions out of date, out of sync with today's markets and farm management systems. So for that reason we oppose the amendment.

I want to make it clear since Secretary Glickman, a good friend and a colleague, a former member of the House Committee on Agriculture, has pointed out that we in no way, we have to pass a farm bill, we in no way could go back to the 1949 act, and we all know that, and so I asked the Secretary, and I have asked the gentleman from Texas [Mr. STENHOLM] and I have asked the chairman emeritus of the House Committee on Agriculture, the gentleman from Texas [Mr. DE LA GARZA] if they could propose a different kind of permanent farm law.

It is the 1949 act that I strongly object to, and it is just completely outdated. Those proposals have not been forthcoming. We have talked about it, and the gentleman from Texas has at least mentioned the possibility of the 1990 act in terms of permanent law. But since their substitute does contain the very awkward and very expensive permanent law for 1949, I think that is a very poor choice.

Then again this amendment also creates something called the Investment for Agriculture and Rural America Fund, similar to the Fund for Rural America that has passed in the other body, and this amendment would make $3.5 billion in CCC moneys, as the chairman of the Committee on Appropriations has pointed out, available for rural development and conservation extension and research, purposes.

I support these initiatives. They are very fine initiatives. And the gentleman from Texas is right. We have been sorely pressed in agriculture, and these, as my colleagues know, these kinds of initiatives and these programs would be of tremendous help to our small communities all throughout the country.

But I do think, with all due respect and some reluctance in opposing this bill, that this amendment goes too far by giving these programs access to mandatory spending out of the CCC authority; the chairman of the Committee on Appropriations has certainly mentioned that. The CCC has traditionally been reserved for use on farm and commodity and other related activities as opposed to this kind of spending.

We oppose this amendment, and I want all of my colleagues to understand this, we oppose this amendment because of its high cost. It virtually wipes out any budget savings achieved by the current bill, and its lack of details relative to how the Secretary would be allowed to spend these funds is very unclear and because it funds again wide discretionary programs out of mandatory spending accounts.

Now, I would like to say that in trying to work with the gentleman from Texas [Mr. DE LA GARZA] and the gentleman from Texas [Mr. STENHOLM] and also the gentlewoman from North Carolina [Mrs. CLAYTON], who has been an eloquent champion in behalf of rural development on the committee, that we considered a very similar bill in committee. I indicated at that time that I would do my very best to try to work for additional funding for rural development, and I have tried, and when we go to conference I will try again, and in the other body there is $300 billion made available to the Fund for Rural America, but $3.5 billion, as I indicated in the committee, is simply too much. We really abrogate what we do in terms of our budget savings, and the structure of this really troubles me. We do not want to get into an even-numbered year debate where we are saying that the money is being used for a secretary slush fund or something like that, and so consequently we are in opposition to the amendment for those reasons.

Mr. Chairman, I reserve the balance of my time.

Mr. STENHOLM. Mr. Chairman, I yield 3 minutes to the gentlewoman from North Carolina [Mrs. CLAYTON], the leading advocate and worker in favor of the Rural Development Fund as it pertains to our rural communities, dealing particularly with the water, sewer, and housing needs.

Mrs. CLAYTON. Mr. Chairman, I thank the gentleman for yielding the time.

We are considering a farm bill; a farm bill is considered every 5 years. It gives us an opportunity not only to look at our production policies in our rural area, but also our developmental policies in our rural areas, and I would remind our colleagues, those of us who live in rural areas, there are activities that are beyond the farm gate, and we live in a community, we live where we either have water or no water, we live where we have poor houses or good houses, we live in a community that has very low economic opportunity.

I further would remind my colleagues that one-fourth of this Nation's population live in rural areas, but yet we have more than 80 percent of the land mass. So there is a lot of land going between individual homes. So the sparsity of our population causes even greater need for our development funds.

My colleagues also know because they are aware that a higher degree of poverty and disadvantaged opportunities are there, but more than that the trend in agriculture means there are less farmers, there are less farmers doing well, and economic development dependent only on our farmers is not going to happen in our rural areas.

So as we consider the farm bill, this is an opportunity to say to rural America we understand that development goes beyond the farm gate: Housing; safe housing; clean water; having infrastructure for sewage. All of these are intimately part of our development in our area.

So I would urge us to consider this is an opportunity, and I would just remind my colleagues twice now on this floor this day we have indeed gone beyond what the appropriation had advocated for us, so this is our opportunity to do the right thing. It is within budget, and the gentleman from Texas has assured us that this is within the coalition budget, so it is not a matter of breaking the budget. This is a matter of priorities, not a matter of breaking the budget.

Do we want to give this amount of money for water, for sewage, for housing? Do we want to make this opportunity to one-fourth of the Nation to have economic development? It goes beyond housing and water. It also goes to our Extension Service to teach our farmers as they move into a more global economy, a competitive world.

So if we want to enable them to be more competitive, we should be providing education, technology, and those things that would enhance our rural development.

Mr. ROBERTS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Idaho [Mr. CRAPO] a valued member of the committee.

Mr. CRAPO. Mr. Chairman, I rise in opposition to the amendment for several reasons.

First, as has already been well stated by the chairman of our Committee on Appropriations, this amendment moves in a very difficult direction by taking spending that has been in discretionary accounts into mandatory accounts. There is not a lot of disagreement, as we have already heard, about the objectives of this amendment, but to make that step from discretionary spending into mandatory spending is to continue a spending practice that has seen far too much in this Congress and has left us now to the point where many of our budget problems are driven by the fact that there are mandatory spending accounts in place that Congress does not have the ability to address each year in the appropriations process, and I do not think we understand we have been moving in that direction.

There are some further reasons, though, that I think we need to address these issues in a different forum. This bill would seek to spend nearly $3.5 billion, which again is much more than our budget allocations allow, but it would take that out of the CCC authority. The CCC has traditionally been used for farm commodity and related activities that are very helpful in the U.S. agricultural commodity sector.

One of the problems that we face is that I do not see enough specificity in legislation in this proposed bill to let us know whether we are going to be spending the money in a better and a more effective way. Let me give one example.

Earlier today I had a colloquy with the chairman of the Committee on Agriculture about research. It is very critical that we have effective and well funded research in the ag sector. It repays itself time and time again to the American taxpayer. We have a follow-on bill, farm bill II, where we are going to do very specific, and well evaluated work on the research sector of our ag programs, and we are going to have a good research provision in that bill. That is the forum in which we should be addressing these issues.

Again, it is not that we do not agree on the direction that this amendment seeks to move us, it is the method and the timing and whether we should be working with the second ag bill that is following along here or whether we should be doing it in this way that does not give the specificity needed.

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes to the gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Chairman, as my colleagues know, in the farm bill debate there is a character to this debate different than other farm bill debates. In the past, rural Representatives, Republicans and Democrats, stood together fighting for rural America. That has not been the case. I am astounded to come to the well following a colleague on the Committee on Agriculture, a gentleman for whom I respect, and he is talking about farm spending creating a budget problem for this country.

My colleagues, farm spending has been reduced more than any other function of Government, bar none. If further functions of Government had the cuts agriculture had had, we would not even have a budget deficit today. And they tout a farm bill that over the next 7 years spends 46 percent less on rural America than was spent over the last 5, and they say what they are doing for rural America.

I will tell my colleagues what they are doing for rural America. They are sticking it right in the neck with a very ill-advised bill that we are trying to make a little better with this amendment.

Take, for example, oilseeds. There is nothing in the so-called freedom to farm bill that addresses oilseeds. They are not going to get the payments that are the most widely touted feature of this bill. They have not been getting deficiency payments in the past; they will not get payments in the future. Yet we know that under the GATT agreement support for the export of U.S. oilseeds has been reduced 79 percent, more than any other agriculture commodity. So you have got a feature where the world export situation looks dramatically worse, and right on the heels of a farm bill that does nothing for oilseeds.

Why is this important? It is important because we have got oilseed production at 63 million acres right now in this country, and if we cannot grow oilseeds and make a dollar anymore, people will not grow oilseeds. They will grow wheat, they will grow corn. As we kill oilseed commodities, we will be shifting production into other commodities, resulting in overproduction and price collapse.

Now that is an event we all ought to avoid especially in light of the fact, especially in light of the fact, that this bill eliminates the safety net providing farmers assistance when market prices collapse.

Two other features of this amendment deserve note; the rural development feature: Rural development funding is down $1.5 billion over the last 2 years. Rural housing loans are at their lowest level in 20 years. Water, wastewater, and economic development funding, down 25 to 50 percent below earlier levels.

Now, the ag economists tell us that the net farm income under this farm bill, if it would be enacted, would drop 50 percent in North Dakota, 50 percent. We have got to use whatever we can to try and grow economic alternatives for our farmers, value-added opportunities. We cannot do that if we are reducing the funding for rural development. So part and parcel of a reforming of our farm program ought to be making a commitment to rural development.

The final point involves permanent law. We need a permanent law. We need permanent status to the farm program. The bill eliminates it. The amendment puts it back in, and it is another reason for its enactment.

Mr. ROBERTS. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado [Mr. ALLARD], a distinguished subcommittee chairman of the sometimes powerful House Committee on Agriculture.

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Mr. ALLARD. Mr. Chairman, I want to thank my chairman for yielding time to me. I would like to congratulate him on his hard work and success in trying to create a better future for our farmers.

I came into this Congress with the demand that is being made on agriculture, and that is that the American people wanted to drop off subsidies. American farmers were sick and tired of rules and regulations that kept them from being able to produce the crops that they wanted, and they were getting bogged down in paperwork. They wanted to have some tax relief.

This farm bill, we need to keep in mind, had the goal of beginning to reduce subsidies, giving farmers regulatory relief and tax relief. This is the most market-oriented, the most pro-environment, and most fiscally responsible farm bill in recent history that has been reported out of the House of Representatives. I believe it will pass today off the floor of the House of Representatives, because there has been so much hard work. We all realize we have to get legislation passed so farmers can move ahead, get their own lives in order, and get their farms prepared to get ready for production. We cannot continue to hold this up.

Mr. Chairman, on rural economic development, right now we are spending $5.1 billion for rural economic development. We are calling for another $3.5

billion. There are a lot of things that need to be done to improve rural economic development. For example, we are spending a lot of dollars on recreation facilities. We need to be focusing those dollars on what is going to help rural America be more productive.

There is a lack of specification, specifics, in this particular amendment. Obviously, we have some real needs on rural economic development, but they are not laid out for us on this particular amendment; so I am urging a no vote on this amendment because of the lack of specifics.

Mr. Chairman, I would urge the Members of the House to join me in defeating this amendment.

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. OLVER].

Mr. OLVER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of the de la Garza amendment. It is really, in this bill, our first chance to include rural economic and community development in this farm bill. The things which are public safety facilities, that provide grants and loans for public safety facilities, that provide grants and loans for safe drinking water and wastewater disposal, and grants and loans for small business development, all of those programs are in the thousands of rural communities with under 10,000 people that exist in so many of our congressional districts, and in Massachusetts particularly, in my congressional district; all of it money that is critical to low-income rural areas which have sagging infrastructure and little capital for new business.

Mr. Chairman, this amendment is also one of the last opportunities that we have to address the desperate need for housing in rural areas. Last year low-interest loans through the self-help housing program allowed 89 families in my district in rural Massachusetts, who otherwise could not have afforded it, to buy or build their own home. These families earn an average of about $22,000 a year. That is only half of the average family income in Massachusetts, where the property values are very high and owning your own home is very difficult because of those high property values.

Infrastructure and housing are critical investments in the future of rural America, and should not be ignored in this farm bill. I urge my colleagues to support the de la Garza amendment.

Mr. ROBERTS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Illinois [Mr. EWING], the chairman of the Subcommittee on Risk Management and Specialty Crops of the Committee on Agriculture.

Mr. EWING. Mr. Chairman, I thank the gentleman, the chairman of the Committee on Agriculture, for a great job in shepherding this bill through some pretty rough waters over the last 2 days. It is my pleasure to rise to talk about the de la Garza amendment.

Unfortunately, Mr. Chairman, I feel that I have to rise in opposition to this amendment. When the gentleman says that he is going to put $3.5 billion at the discretion of the Secretary of Agriculture, I think we certainly should put a lot more thought and have a lot more ideas exactly how that money is going to be spent; because the bottom line is what we take out of the farm program with an amendment such as this is money that is not going to be there for the transition payments for farmers; it is not going to be there for crop insurance, which is the bottom of the safety net, the base of the safety net for American agriculture; it is not going to be there for legitimate agricultural research, which is always needed.

We cannot tell at this time what our demands are going to be. Certainly, to come along with that kind of a fund, without the controls and the oversight of this Congress, would be a very, very serious mistake, and very crippling to the ability to make this bill, the transition act, the agricultural transition act, be as important as it is to American agriculture.

With great reluctance, Mr. Chairman, I rise in opposition to my colleague's amendment, and would hope that the Members of the House will vote no on this amendment.

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. BISHOP].

Mr. BISHOP. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, let me come down to support the de la Garza amendment, especially because of the need we have for more rural development. Many of us who represent farm communities, communities that are filled with production agriculture, find that in order for our family farms to survive and for our communities to be strong economically, that there have to be some other value-added facilities there, some other employers and some other infrastructure to broaden that tax base.

We have found that it has worked very well. We have had in the past some very good rural development projects to support some new industry that helps us to diversify. We have had poultry facilities that have come into our area, but they were helped by rural development grants to help the infrastructure, the water, the sewers, the electrification, road widenings, traffic signals. These kinds of things are very, very important in rural areas. To create, to have an industry come in that creates 1,500 jobs at one time is a real boost to a rural community and to its economy.

Certainly, we are very, very concerned about the water provisions. Having clean water is important to our district. My district has some of the poorest counties anywhere in the country, and because of that it means a great deal for a county like Whitman County, GA, that had no running water, to be able to get a grant to help them serve their citizens with running water. These are the kinds of basic necessities that allow for an improved quality of life in rural Georgia and in rural America.

For that reason, Mr. Chairman, I believe that it is imperative that if we are going to strengthen America, if we are going to strengthen America's rural communities, that we have to do it through rural community development. I think this amendment does it. I would urge my colleagues in the House to please support this amendment. It enhances the bill in a very, very positive way. I hope that it will become law and improve the quality of life for all Americans, especially in our rural areas.

Mr. STENHOLM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like for my friends on the other side to pay particular attention, because there have been a couple of speakers that have, I know, spoken not intentionally erroneously, but have made some erroneous claims about this amendment.

First off, there is no intention, and you will not find anywhere in this amendment that we are designing this to have a slush fund for the Secretary of Agriculture. I fully expect that we will be dealing with these issues in the Committee on Agriculture under farm bill No. 2. If we can come to a resolution thereon, and we can expect then to decide and direct how these moneys shall be spent, we shall do so in the proper legislative process. Only if we fail to bring a bill out will it come to the discretion of the Secretary of Agriculture, and I cannot imagine us failing to do our job.

As I said to the chairman of the Committee on Appropriations a moment ago, it would be my firm hope that we could work in cooperation with the appropriators in resolving these issues. The question before us today is whether we are going to provide the resources for rural America.

Let me remind ourselves that last year in the agriculture appropriation bill we had the Castle amendment and the Olver amendments. The Olver amendment, and we heard from the gentleman from Massachusetts [Mr. OLVER], a moment ago, got 169 votes. The reason we could not do more last year, there was not enough money in the discretionary spending. There will be less money this year in discretionary spending. Therefore, if we are going to provide the resources for this, now, today, and on this amendment is the only way we are going to get it done.

Interesting, Mr. Chairman, is the opposition to the oil seeds amendment. I have in my hand a Dear Colleague from one of our colleagues on the Committee on Agriculture, the gentleman from Iowa [Mr. LATHAM], saying, ''Please join me in sending this letter expressing support for the market loan provisions for soybean and other oil seeds included in the Senate version of the farm bill.'' This is it. We are not doing

anything more than what the Senate has already done and what our soybean growers all over the United States are asking us to do.

I do not understand why all this year, every single amendment that comes from this side of the aisle has been zeroed; no support, no bipartisan support if it comes from this side of the aisle. This is the first time in history, at least as long as I have been here, in which we have had that kind of attitude towards amendments, even amendments that are supported by the other side. I do not understand this, how anyone can say, ''Sign this Dear Colleague in support of,'' and then turn around and vote against this amendment.

We hear and listen, and everybody reluctantly opposes this. Why do we reluctantly oppose it if we are for it? Everyone in agriculture in rural America understands that rural America needs water and sewer, and we had an amendment earlier on research. We know we are shortchanging. This is an opportunity to do it, and do it within the full respect of balancing our budget fairly, and having agriculture share fairly in those reductions.

Mr. Chairman, I will summarize again, so everyone understands the de la Garza amendment. Mr. Chairman, it provides $3.5 billion for rural development. It provides the money that all of us, by our votes, and I have those recorded votes in which we said last year we need to provide some additional resources for rural America.

In industries like the wool and mohair industry, for example, that are now going it on their own, market-oriented, and others as we move in this market-oriented direction, every one of us in our agricultural speeches say we have to have some additional resources and seed money if we are going to make it out there. This provides the opportunity for the Committee on Agriculture, in our full deliberations, in a bipartisan way, to act and to make the decisions as to how this money shall be expended, not the Secretary of Agriculture, but to have this committee, and then hopefully, in full consultation with the Committee on Appropriations, because I have become very alarmed when I see, day after day, bill after bill, a constant confrontation between appropriators and authorizers.

I submit to my chairman, whom I deeply love and respect, this is not the best atmosphere for anyone to continue. I wish the gentleman from Louisiana [Mr. LIVINGSTON], as chairman of the Committee on Appropriations, would also have fully understood and appreciated what I was trying to say. We need to build cooperation. We need in our budget deliberations to make sure, as best we can, that we treat all categories of the budget in a fair and equitable manner.

It goes without saying, the facts speak for themselves; if every function of the budget had been cut as much as agriculture since 1986, our budget today would be balanced, and we could be honestly talking about a tax cut, capital gains, inheritance tax relief, all of the things that we are all for.

□ 1315

But we know it has not happened in other areas. And then immediately my critics will say, ''Well, Charlie, you are just using 1986 because that is a convenient number. That was the highest level of spending in history.''

So I say, fine, let us forget 1986, let us go back to 1955. Let us take a comparison of spending category by category since 1955. Interestingly, the only function of the budget that has been cut since 1955 is agriculture, 27.9 percent.

Agriculture in rural America has done more than its share. The next dearest to us is defense, 11.9 percent increase. Two areas of near and dear importance to all of us.

So the Fund for Rural America provides the funding, again not as much as we would like to see but we have got budget restraints. The oilseed marketing loan, everybody is for it. It makes good sense. This is an opportunity for us to do it. And it is fair and equitable because the oilseeds, the soybean industry in particular, but all of the oilseeds have traditionally gone it alone.

Here we are in this bill saying continue to go it alone, instead of offering a little bit of help through the marketing loan that they have asked for that we have a Dear Colleague from a member of the Committee on Agriculture saying, please, join me in a Dear Colleague. Join me in a vote. If we want to do it, let us vote.

Continuation of permanent law, I agree with the chairman, this, you know, 1949 act, it is not very workable today, but it works, and that is all we are looking for here. We are just trying to put something in that forces us to act and in a timely fashion.

So that is a summation of the de la Garza amendment, and I ask for the support in a bipartisan way from all of our colleagues who in their heart know this is the right vote for America.

Mr. Chairman, I reserve the balance of my time.

Mr. ROBERTS. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. HOSTETTLER].

(Mr. HOSTETTLER asked and was given permission to revise and extend his remarks.)

Mr. HOSTETTLER. Mr. Chairman, there is truly historic reform in this bill. The chairman of the committee, Mr. ROBERTS, has succeeded in forming a system that will let the American farmer make his planting decisions based on the market and not on some convoluted formula hatched in a USDA basement office. This bill also recognizes the danger of making this transition too drastically and thus is patterned to let the producer make the switch in a responsible manner. So as a reformer, I support the bill and oppose this amendment.

This amendment is about the status quo—and the status quo has done nothing but handcuff the American farmer in terms of the world market and in terms of running a sound business. I urge a no vote on the amendment and a yes vote on the Agricultural Market Transition Act.

Mr. STENHOLM. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. MINGE].

Mr. MINGE. Mr. Chairman, we have a bill here today that is very awkward to explain to farmers because we have promised far more in rhetoric than we are delivering in legislation. At the same time, we have a tragic situation that farmers in the southern part of the United States have already begun planting. In the Midwest they are making plans, and they do not know what the program will be.

Tragically, we have not worked together in developing a farm bill. We have not advanced the agenda on a timetable that makes sense for the planting season.

I support the substitute, and I oppose the basic underlying legislation. My deepest wish is that we would have a program that we could return to our areas and proudly explain as providing the tools that farmers need to manage their risks.

When we do not have that, the best we can do is to say that we hope there is a better day for American agriculture, and I sincerely hope that that day will come in time for the 1997 planting season.

Mr. STENHOLM. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I will conclude in whatever time I have remaining, and I shall be very brief in just saying again, the last speaker that spoke on the majority side was speaking not to the amendment before us. We are not quarreling with the change, the historic change. That is not part of our amendment. The debate on the transition market program is over. It is done. Those that oppose it, oppose it. Those that support it, support it.

Nothing in our amendment did anything to that. We did not intend to. What we are suggesting is the same spirit of transition and help go to the oil seeds that are going to the other crops. That is all we are suggesting.

Then the Fund for Rural America, that is additional spending for the rural community needs, not for farmers, and we do not take any money away from farmers. We recognize the spirit of a capped entitlement, something I have worked for for years. I want to see it in every entitlement. But in capping the entitlement, we think a 46 percent cut when we are talking about rates of increase of 6 and 7 percent in every other entitlement, we think that is too severe.

I think that any Member from a rural community that does not see that has been looking with some blinders. That is my opinion.

Mr. Chairman, I urge the support of the de la Garza amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. ROBERTS. Mr. Chairman, I yield myself the balance of my time.

I would simply point out to the gentleman from Minnesota [Mr. MINGE], who is a very valued member of the House Committee on Agriculture, that had the President not really vetoed the balanced budget, we would have a farm bill months ago.

I understand that there are some concerns about structure of the farm bill. But in terms of the timeliness, and we all know it is time-sensitive, that that has been a problem.

To my good friend from Texas, I understand the concern in regard to oil seeds. That is one of the few diversified crops that we have on the Great Plains. It is a burgeoning crop. It is one we want to move toward. In the Senate bill there is $132 million dedicated to that purpose, but there is a cap on that loan to prevent any further budget hemorrhaging. Perhaps when this bill goes to the Senate, we can accommodate that in some respect

Let me say again that I think everybody on the committee, if not everybody in the Congress, is supportive of the very valuable rural development programs that have been described, and the chairman, the former chairman of the committee, the gentleman from Texas [Mr. DE LA GARZA], has been a champion in this respect, as has the gentleman from Texas [Mr. STENHOLM] and the gentlewoman from North Carolina [Mrs. CLAYTON], who has just done an outstanding job in that regard in the past.

But this is $3.5 billion, again. If this substitute passes, why, we are, you know, we are looking at a bill that will be over the December baseline for agriculture. I do not know how you bring a bill to the floor of the House and if it is over budget and over the baseline. I do not know how you pass it.

These are many fine programs. I would say that in the Senate, again, the Senate has committed $300 million for a fund for rural America for 3 years. You know that that is going to be extended for the next 4. So that is $700 million.

I think it would be appropriate when we get to conference to take a look at that.

So, from the standpoint of cost in terms of the $3.5 billion, and once again using CCC moneys that historically go to farm programs as opposed to rural development programs, we must oppose the bill.

Mr. STENHOLM. Mr. Chairman, will the gentleman yield?

Mr. ROBERTS. I yield to the gentleman from Texas.

Mr. STENHOLM. I thank the chairman for yielding this time to me.

I do not believe the chairman intended to misspeak about our amendment. It is not outside the baseline. It is within the baseline. It is outside your suggested baseline on spending.

But I would point out you have already broken your baseline today with the Boehlert amendment, with the Everglades. You have already busted your own. So our argument is we are within the baseline, as I have described it. I do not believe you intended to misspeak upon that.

Mr. ROBERTS. Well, we can probably discuss the baseline, which, to all listening and watching this debate, is not what Cal Ripken runs around, and we can run around our own baselines in regards to the budget, if we so choose.

But let me simply say that when the gentleman brings that up, I am always interested in the gentleman from North Dakota [Mr. POMEROY] and others on that side who have indicated that we are really cutting all of these funds for agriculture and we are making a significant contribution to the deficit. Of course, you are also complaining that we are spending too much and also at the wrong time and with the wrong folks. So you are trying to have it, I guess, both ways.

But we are losing $8 billion, already did, in the first baseline, and we would lose another 6, and that is the money available to agriculture in March if we do not move and pass a bill.

Somewhere we are going to save about $5.6 billion in this ag budget, which is our contribution to a balanced budget. That adds up, if we do not move and pass the Freedom to Farm Act to guarantee these market transition payments, to about $20 billion.

Now, you know, my colleagues across the aisle have given many, many speeches, as I have, on how much we have given in agriculture. But then when we find out that we end up with policy rubble on our hands with the continuation of the current policies, they are strangely silent.

This bill locks up more farm-income farmers and still meets our budget responsibilities than any other bill.

We are simply redebating the issue. We do not need to do that. I know Members want us to bring this to a conclusion.

So I rise in opposition to the bill. I urge a ''no'' vote.

Mr. RICHARDSON. Mr. Chairman, one out of five rural Americans live in poverty.

Three-fourths of the cities in my district have a population under 10,000. They do not have the tax base of urban and suburban areas, yet they still have to provide clean water and adequate sewer systems.

It is almost the 21st century and millions of Americans do not have clean drinking water.

There is currently a backlog of 50,000 applicants for lower-income rural housing and a shortage of funding to provide them with safe, affordable housing.

The needs of rural America are dire.

This amendment gives those small towns in rural America the tools through research, conservation, education and extension activities to provide their citizens with safe water and sewer systems and the basic infrastructure to survive.

When we talk about reforming agriculture policies we must also talk about the needs of rural communities whose economies rely heavily on agriculture production.

Money for economic development can put these communities on sound financial footing and diversify their economies so they can have some stability and survive as the whole agriculture economy changes.

This amendment empowers local communities and their leaders to diversify their economies.

Mr. Chairman, this amendment is critical to bring economic prosperity to every part of the country.

Mr. FARR of California. Mr. Chairman, I said at the opening of debate on this bill that I would vote against it if it was not changed to address California agriculture's needs for conservation, research, and rural development. Nothing that has happened in the past 2 days has changed my mind. The bill is still broken.

The California farmers in my district are the most productive specialty crop growers in the world. They produce over $2.5 billion worth of fresh fruits, vegetables, and horticultural crops without any Federal price supports or other direct Federal support—lettuce, artichokes, strawberries, flowers, and over 100 other crops.

They have succeeded by embracing the full benefits, and potential risks, of the market. They are the models for American agriculture. And I believe American agriculture must move in their direction to remain viable into the next century. But even market-driven agriculture needs a national farm policy with a vision toward the future. Conservation, research, rural development, and market promotion are all crucial to future success and sustainability of market driven agriculture.

H.R. 2854 is a broken bill because it ignores these crucial goals of American farm policy. While I do not like this bill's transition program—its too expensive and makes payments regardless of a farmer's production or the market prices, it still moves agriculture toward the market. And I can support that. But I can not support this bill if it does not also address the conservation, research and rural development.

I am particularly concerned that it does not address the loss of farmland to urban sprawl. I have coauthored legislation to help the States address the troubling loss of farmland to urbanization—over 1,000,000 acres a year at current rates.

Unfortunately, there is nothing in this bill or this morning's conservation amendment for farmland protection—not to mention research or rural development. The de la Garza-Stenholm-Clayton amendment is the best option that we can vote on to fix this broken bill and give the conference some tools to add the kind of vision that the 1996 farm bill needs. Vote ''yes'' on the amendment.

Mr. ROBERTS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendments en bloc offered by the gentleman from Texas [Mr. STENHOLM].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. STENHOLM. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 163, noes 258, not voting 10, as follows:

[Roll No. 40]

AYES—163

Abercrombie
Ackerman
Baesler
Baldacci
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Evans
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frost
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kildee
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McNulty
Meek
Minge
Mink
Moakley
Mollohan
Montgomery
Murtha
Nadler
Neal
Oberstar
Olver
Ortiz
Orton
Owens
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pomeroy
Poshard
Rahall
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Towns
Traficant
Velazquez
Vento
Volkmer
Ward
Waxman
Whitfield
Williams
Wilson
Wise
Woolsey
Wynn

NOES—258

Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kennedy (RI)
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Meehan
Menendez
Metcalf
Meyers
Mica
Miller (CA)
Miller (FL)
Molinari
Moorhead
Moran
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Obey
Oxley
Packard
Pallone
Parker
Paxon
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Reed
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Schumer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Torricelli
Upton
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Waters
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Wicker
Wolf
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—10

Collins (IL)
de la Garza
Farr
Fox
Furse
Hastings (FL)
Kennelly
McKinney
Rangel
Stokes

☐ 1347

The Clerk announced the following pair:

On this vote:

Ms. Furse for, with Mr. Rangel against.

Messrs. PALLONE, SCHUMER, MEEHAN, MORAN, LUTHER, FRANK of Massachusetts, DORNAN, and WATT of North Carolina changed their vote from ''aye'' to ''no.''

Mr. WHITFIELD changed his vote from ''no'' to ''aye.''

So the amendments en bloc were rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. FOX of Pennsylvania. Mr. Chairman, on rollcall No. 40 I was inadvertently detained in a legislative meeting. Had I been present, I would have voted ''no.''

PERSONAL EXPLANATION

Mr. FARR of California. Mr. Chairman, I was unable to be here during rollcall vote No. 40. Had I been here, I would have voted ''aye.''

Mr. POSHARD. Mr. Chairman, I rise today in support of the Agriculture Market Transition Act, because this bill provides our farmers with greater flexibility and insurance that they will be able to provide our Nation's families with quality and affordable agricultural commodities.

As farmers begin to make decisions about spring planting, it is critical to support this important reform legislation which gives farmers the opportunity to better meet the needs of our growing domestic and international food markets. I see the Agriculture Market Transition Act as a partnership between the Federal Government and farmers that promotes stable and fair farm prices, trade, and environmental responsibility.

I am pleased we were able to amend the legislation to include reauthorization of the Conservation Reserve Program and the Wetlands Reserve Program, two programs that have successfully worked in providing farmers incentives to be even better stewards of our lands. The bill also establishes important programs that assist in protecting our soil, water supply, and other natural resources from degradation associated with agriculture production.

In addition, the bill provides for increased funding for rural development programs which are critical to the growth and development of infrastructure in rural communities like those in my own congressional district.

For these reasons I support this bill, and I encourage my colleagues in conference to ensure this legislation continues to move in a direction that will benefit our Nation's farmers, consumers, and rural communities.

Mr. GILCHREST. Mr. Chairman, I rise in support of the amendment from the gentleman from New York to reauthorize conservation programs. I believe it is a first good step toward having a comprehensive and incentive-oriented agricultural conservation policy. And as we work with the other body in conference, it is my hope to strengthen this section even more, as the conservation title amendment approved by the other body has strong bipartisan support among farmers, rural communities, sportsmen, and conservationists across the country, and a wide array of organizations such as the Farm Bureau, Sierra Club, and National Rifle Association. The amendment before us today has similar support.

In particular, reauthorizing the Wetlands Reserve Program and the Conservation Reserve Program is important to assure that voluntary, incentive-based options are available to farmers. These programs have been highly effective in controlling erosion, improving water quality, and enhancing wildlife habitat. More farmers apply to these programs than can be now accommodated.

This amendment begins to address this demand of farmers for voluntary options. For example, under the amendment, the Conservation Reserve Program would preserve new acres on land that should not be in internsive crop production because of poor soil conditions, proximity to water bodies, or importance as priority wildlife habitat.

The Wetlands Reserve Program is a win for farmers and a win for fish and wildlife resources. Currently, landowners may voluntarily agree to sell conservation easements permanently or for 30 years. When a farmer decides to no longer crop a previously farmed wetland, WRP helps the farmer restore the wetland. These restored wetlands have proved critical for migration, wintering, and nesting habitat for waterfowl in the Midwest and West. In Maryland, WRP contributes to our efforts to clean up and restore the Chesapeake Bay. Maryland farmers have enthusiastically embraced the WRP and want the program expanded beyond the 975,000 acres allowed in this amendment.

Under the amendment, the Wetlands Reserve Program [WRP] is reformed to give

farmers more options. The amendment improves the Wetlands Reserve Program by allowing farmers to obtains cost share payments to restore wetlands, as well as enter a voluntary 30 years contracts with the Government to preserve wetlands, or obtain permanent easements on their land. These options are a clear improvement over the original bill, and I look forward to continuing to work with the gentleman from New York and the chairman of the Agriculture Committee to further improve this section to assure that those farmers who now have contracts in place can continue to participate and to apply for cost share funds.

Furthermore, the amendment includes a consolidation of current conservation programs into an environmental quality incentive program [EQUIP], which would provide flexibility and new options to poultry, livestock, and dairy farmers. Under EQUIP, small and medium-sized producers would obtain cost-share payments to put in animal waste management structures, grass waterways, and other practices. EQUIP would prevent manure and contaminants from entering water bodies.

I also look forward to working with the gentleman from New York and the chairman of the Agriculture Committee—and the gentleman from California [Mr. FARR] and the gentlelady from Maryland [Mrs. MORELLA]—to reform and strengthen the farms for the future program. Maryland is the Nation's leader in preserving agricultural land through a voluntary easement program, with more than 100,000 acres preserved. Many farmers nationwide with the best soil for agricultural production face intense pressure from urbanization. The other body's conservation title includes this needed reform, recognizing that many States and localities actually pay farmers who voluntarily wish to remain in farming. The farms for the future provision updates Federal conservation policy, and I hope it will be included when the conference report comes before the House.

In closing, Mr. Chairman, the conservation title is profarmer and proenvironment and will benefit taxpayers, farmers, and rural communities. It includes meaningful solutions to the problem of agricultural runoff pollution, and will aid farmers in addressing water quality problems. I urge my colleagues to support the amendment.

Mrs. LINCOLN. Mr. Chairman, I rise in reluctant opposition to the bill before the House today. I am reluctant because I have spent my career in this Congress defending the American farmer. I have stood beside Chairman ROBERTS and fought the battles to educate our colleagues about the benefits of American agriculture. I have great respect for the Chairman and I do not believe that he has harmful intentions in proposing this bill. But while I am reluctant to oppose him personally, it is with firm conviction that I oppose the policy he brings before the House today.

My district is one of the most productive in the Nation: We are the No. 1 producer of rice in the United States, No. 3 in soybeans, No. 6 in cotton, and No. 17 in wheat. I myself come from a seventh generation farm family and I know the situation facing our farmers and know their values.

I have spent the last 3½ years trying to educate my urban colleagues about farm programs. I remind my friends that first, farm commodity programs are less than 1 percent of the budget; second, they are tied to the market and only pay farmers when prices are low and do not pay a dime when prices are high; third, no one gets a free ride and anyone participating in the programs must be ''actively engaged in farming''; fourth, they have dramatically increased our exports to other nations and created hundreds of thousands of jobs in the United States; and fifth, for the small investment that we made in agriculture we are blessed with the most affordable, safest, and most abundant food supply in the world.

I haven't always been successful—this Congress and the last one has continued to cut agriculture spending far above what I believe was necessary but at least I knew that the agriculture policy of the United States was a sound one. Was it perfect? Far from it. I have supported changes in the program that would give farmers much needed flexibility to respond to market conditions and remove the bureaucratic hassles that are inherent in Government programs. I am not averse to change but I believe in this basic premise: the farmer must have assurance that the Government will be there when prices are too low and the taxpayer must have assurance that they receive the benefits for the programs they pay for. That's it—I'm not picky about how we get there, but that's the bottom line.

Unfortunately, this bill doesn't meet that criteria. This bill promises farmers something for nothing—the worst kind of welfare. I've been working on welfare reform for the last 3 years also. Telling our welfare recipients that the days of something for nothing were gone, that they had to work if they expected the Government to help. How can I turn around and tell my farmers that standard doesn't apply to them?

I think it's insulting to put our farmers in this situation. This Congress has known from day one that we had to pass a farm bill before December 31, 1995. We have never failed to deliver by that deadline. Yet the leadership of this House decided to put a farm bill in a budget that they knew the President would veto. A farm bill, I might add, that did not have the benefit of one public hearing.

Unfortunately, the larger political strategies of the Republican leadership of this House has ignored the agrarian calendar. While the farm bill has been tossed around like a political football, some farmers are now well into planting season and still do not know what role the Government will play in the 1996 crop year.

This House has in effect put a gun to the head of the farmers and demanded that they accept this untested theory or else. And with a gun to their head, some farmers are willing to say they'll accept this ill-advised plan. That's no way to govern and I won't be a part of it because other farmers have told me that this is not the bill to take American agriculture into the 21st century and I agree.

Mr. COSTELLO. Mr. Chairman, I rise today in support of the Agriculture Marketing Transition Act. Agriculture is a vital industry in our Nation and in my southern Illinois district. This legislation is sensitive to the budgetary goal of balancing the Federal budget in 7 years. The Congressional Budget Office [CBO] estimates that the bill would result in reductions of direct spending of $5.4 billion between fiscal year 1996 and fiscal year 2002.

I am pleased that today's bill reauthorizes such important programs as the Conservation Reserve Program, the Export Enhancement Program, and Market Promotion Program. These programs help preserve our lands and assure that there are markets abroad for American crops. Expanding our opportunities internationally is of vital importance to me. In fact, I supported an amendment which states directly that if USDA does not meet the goal of $60 billion in exports and increased world-market share by 2002, the authorization for USDA export programs would automatically expire.

Despite my support for the package, I have some concern over the production flexibility contracts section of the bill. These payments, set at specified decreasing amounts each year for the next 7 years, will replace our current system of deficiency payments, which pay farmers based on market conditions.

Producers who have been enrolled in the Federal farm program in at least one of the past 5 years are automatically eligible to sign up for a 7-year contract. I am concerned that this criteria may allow those not actively farming over the 7-year period to receive Government funds for which they would be ineligible.

Also, the bill states that those wishing to sign up for the 7-year program must do so before April 15 of this year. This precludes participation by younger farmers. Current USDA data shows that younger people, even in rural areas, are not choosing agriculture as a primary occupation. By making it more difficult for them to enroll in a Federal support program, even more younger people will become disinterested in this industry.

Mr. Chairman, I commend my colleagues for their efforts to put together such an omnibus piece of legislation. Despite my opposition to the production flexibility contracts, I feel the bill is in line with our Federal budgetary goals and will work to increase agriculture's role in the world market.

Mr. GANSKE. Mr. Chairman, today, we move forward to approve new farm bill legislation which, for the first time ever, will begin to remove the inside-the-beltway, Washington bureaucrat from the backs of the American farmer. We have had to wait until 1996 to come to the realization that farmers, out in the fields, actually know more about farming than the bureaucrats in Washington do. However, I am pleased that we have finally found enlightenment in this body.

Thank you, Chairman ROBERTS.

The Iowa Farm Bureau Federation, the Iowa Corn Growers Association, the Iowa Soybean Association, the Iowa Pork Producers, the Iowa Cattlemen Association, and the Iowa Agri-business Association are also pleased that we have developed a bill that allows farmers to farm.

This is a good bill. It saves taxpayers nearly $5 billion over the next 7 years. It provides farmers the freedom and flexibility to tailor their farm plans to their individual needs.

Not only does this make good free market sense, it is also proenvironment. Farmers will no longer be tied to antiquated farm plans that lock the same crops year after year on the same plot of land. Environmentally friendly crop rotation in combination with advanced farming techniques like no-till will mean less pesticides, less fertilizer, and greater harvests.

This legislation also finally stops paying farmers to set aside good quality land not to plant.

Those in opposition to this legislation will say that it either ends the safety net for our

farmers or it is a free handout just like welfare. This is simply not true. This bill is a transition to freer agricultural markets.

Ladies and gentlemen, low harvests trigger higher commodity prices. Under current law, support payments do not kick in when we have low harvests. There is no safety net! If anyone has any doubts about this fact they can ask any of the corn and soybean farmers in my district who suffered record low harvests in 1995—a high price year.

In years when crops are plentiful prices move lower. The Government then forgives deficiency payments and provides increased support payments. Farmers end up receiving help when they do not really need it and no help when they do. Does this make sense?

This is simple economics. Under the freedom-to-farm approach in this bill, we develop a true safety net for our farmers and lower Federal outlays.

Opponents of this bill have a vested interest in maintaining the status quo. They want to continue to force the agricultural community to come to Washington, hat in hand. They want to continue the micromanagement of the farm. They want to continue to hamper development of robust export markets with top down we know best policies.

A vote for this bill is a rejection of the those failed policies of the past. A vote for this bill is a vote for reform. A vote for this bill shows the farmers of this country that this Congress truly cares about bringing agriculture policy into the 21st century. I commend Chairman ROBERTS for his efforts and I strongly urge my colleagues in supporting this bill.

Mr. BUYER. Mr. Chairman, seizing a historic opportunity, the Agriculture Market Transition Act seeks reforms to the Federal agriculture programs that begin to wean farmers off Government subsidies and move them toward more market oriented principles. This legislation moves agri-business from the Depression era policies of the past toward strong incremental steps that move the farmer into the next century. The Agriculture Market Transition Act allows Hoosier farmers to finally be able to plant for the market.

In passing this legislation, the Congress is keeping its word to allow the American farmer the freedom to farm while making substantial reductions in Federal expenditures. Moreover, this legislation helps America move toward our goal of a balanced budget.

Mr. Chairman, retaining present policy is not an option if Indiana farmers are to successfully move into the next century and compete in the world marketplace. This legislation will aid in the transition into the market-oriented farm policy of the future. It does so while providing farmers with fixed, declining payments over 7 years that will help in the economic distortions as a result of these changes. It seeks reform of commodity programs such as sugar, peanut, cotton, and the dairy program. These reforms are a win-win situation as it provides flexibility to farmers and the American consumer benefits as well.

Finally, this legislation reduces the regulatory burden on the agriculture community. Farmers in the Fifth District of Indiana tell me time after time that they spend more time fulfilling bureaucratic requirements than farming their land. Allowing farmers the freedom to farm gives them the resources to get the most out of their land, reduces the regulatory burden, and provides farmers the opportunity to plant what will produce the highest profit on their land.

Mr. Chairman, I support the Agriculture Market Transition Act, because it is good for farmers, good for consumers, and good for agribusiness.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. HASTINGS of Washington) having assumed the chair, Mr. YOUNG of Florida, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 2854) to modify the operation of certain agricultural programs, pursuant to House Resolution 366, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the Committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. STENHOLM

Mr. STENHOLM. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. STENHOLM. I am, in its current form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

MOTION TO RECOMMIT WITH INSTRUCTIONS

Mr. STENHOLM moves to recommit the bill H.R. 2854 to the Committee on Agriculture with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Agricultural Reform and Improvement Act of 1996''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

TITLE I—AGRICULTURAL MARKET TRANSITION PROGRAM

SEC. 101. SHORT TITLE.

This title may be cited as the ''Agricultural Market Transition Act''.

SEC. 102. DEFINITIONS.

In this title:

(1) CONSIDERED PLANTED.—The term ''considered planted'' means acreage that is considered planted under title V of the Agricultural Act of 1949 (7 U.S.C. 1461 et seq.) (as in effect prior to the suspension under section 110(b)(1)(J)).

(2) CONTRACT.—The term ''contract'' means a production flexibility contract entered into under section 103.

(3) CONTRACT ACREAGE.—The term ''contract acreage'' means 1 or more crop acreage bases established for contract commodities under title V of the Agricultural Act of 1949 (as in effect prior to the suspension under section 110(b)(1)(J)) that would have been in effect for the 1996 crop (but for the suspension under section 110(b)(1)(J)).

(4) CONTRACT COMMODITY.—The term ''contract commodity'' means wheat, corn, grain sorghum, barley, oats, upland cotton, and rice.

(5) CONTRACT PAYMENT.—The term ''contract payment'' means a payment made under section 103 pursuant to a contract.

(6) CORN.—The term ''corn'' means field corn.

(7) DEPARTMENT.—The term ''Department'' means the United States Department of Agriculture.

(8) FARM PROGRAM PAYMENT YIELD.—The term ''farm program payment yield'' means the farm program payment yield established for the 1995 crop of a contract commodity under title V of the Agricultural Act of 1949 (as in effect prior to the suspension under section 110(b)(1)(J)).

(9) LOAN COMMODITY.—The term ''loan commodity'' means each contract commodity, extra long staple cotton, and oilseeds.

(10) OILSEED.—The term ''oilseed'' means a crop of soybeans, sunflower seed, rapeseed, canola, safflower, flaxseed, mustard seed, or, if designated by the Secretary, other oilseeds.

(11) PERSON.—The term ''person'' means an individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or State agency.

(12) PRODUCER.—

(A) IN GENERAL.—The term ''producer'' means a person who, as owner, landlord, tenant, or sharecropper, shares in the risk of producing a crop, and is entitled to share in the crop available for marketing from the farm, or would have shared had the crop been produced.

(B) HYBRID SEED.—The term ''producer'' includes a person growing hybrid seed under contract. In determining the interest of a grower of hybrid seed in a crop, the Secretary shall not take into consideration the existence of a hybrid seed contract.

(13) PROGRAM.—The term ''program'' means the agricultural market transition program established under this title.

(14) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(15) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

(16) UNITED STATES.—The term ''United States'', when used in a geographical sense, means all of the States.

SEC. 103. PRODUCTION FLEXIBILITY CONTRACTS.

(a) CONTRACTS AUTHORIZED.—

(1) OFFER AND TERMS.—Beginning as soon as practicable after the date of the enactment of this title, the Secretary shall offer to enter into a contract with an eligible owner or operator described in paragraph (4) on a farm containing eligible farmland. Under the terms of a contract, the owner or operator shall agree, in exchange for annual contract payments, to comply with—

(A) the highly erodible land conservation requirements under subtitle B of title XII of the Food Security Act of 1985 (16 U.S.C. 3812 et. seq) applicable to each farm on which the owner or operator has an interest;

(B) wetland protection requirements under subtitle C of title XII of the Act 16 U.S.C. 3821 et seq.) applicable to each farm on which the owner or operator has an interest;

(C) the planting flexibility requirements of subsection (j); and

(D) regulations issued by the Secretary with respect to contract acreage intended to assure that—

(i) contract acreage devoted to conservation uses is protected from weeds and wind and water erosion; and

(ii) contract acreage is not devoted to nonagricultural uses.

(2) HIGHLY ERODIBLE LAND CONSERVATION.—For contracts subject to the terms of paragraph (1)(A), violations of the contract will be subject to the terms of subtitle B of title XII of the Food Security Act of 1985 (16 U.S.C. 3812 et seq.).;

(3) WETLANDS CONSERVATION.—For contracts subject to the terms of paragraph (1)(B), violations of the contract will be subject to the terms of subtitle C of title XII of the Food Security Act of 1985 (16 U.S.C. 3821 et seq.).

(4) ELIGIBLE OWNERS AND OPERATORS DESCRIBED.—The following persons shall be considered to be an owner or operator eligible to enter into a contract:

(A) An owner of eligible farmland who assumes all of the risk of producing a crop.

(B) An owner of eligible farmland who shares in the risk of producing a crop.

(C) An operator of eligible farmland with a share-rent lease of the eligible farmland, regardless of the length of the lease, if the owner enters into the same contract.

(D) An operator of eligible farmland who cash rents the eligible farmland under a lease expiring on or after September 30, 2002, in which case the consent of the owner is not required.

(E) An operator of eligible farmland who cash rents the eligible farmland under a lease expiring before September 30, 2002, if the owner consents to the contract.

(F) An owner of eligible farmland who cash rents the eligible farmland and the lease term expires before September 30, 2002, but only if the actual operator of the farm declines to enter into a contract. In the case of an owner covered by this subparagraph, contract payments shall not begin under a contract until the fiscal year following the fiscal year in which the lease held by the nonparticipating operator expires.

(G) An owner or operator described in a preceding subparagraph regardless of whether the owner or operator purchased catastrophic risk protection for a fall-planted 1996 crop under section 508(b) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)).

(5) TENANTS AND SHARECROPPERS.—In carrying out this section, the Secretary shall provide adequate safeguards to protect the interests of operators who are tenants and sharecroppers.

(b) ELEMENTS.—

(1) TIME FOR CONTRACTING.—

(A) DEADLINE.—Except as provided in subparagraph (B), the Secretary may not enter into a contract after April 15, 1996.

(B) CONSERVATION RESERVE LANDS.—

(i) IN GENERAL.—At the beginning of each fiscal year, the Secretary shall allow an eligible owner or operator on a farm covered by a conservation reserve contract entered into under section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) that terminates after the date specified in subparagraph (A) to enter into or expand a production flexibility contract to cover the contract acreage of the farm that was subject to the former conservation reserve contract.

(ii) AMOUNT.—Contract payments made for contract acreage under this subparagraph shall be made at the rate and amount applicable to the annual contract payment level for the applicable crop.

(2) DURATION OF CONTRACT.—

(A) BEGINNING DATE.—A contract shall begin with—

(i) the 1996 crop of a contract commodity; or

(ii) in the case of acreage that was subject to a conservation reserve contract described

in paragraph (1)(B), the date the production flexibility contract was entered into or expanded to cover the acreage.

(B) ENDING DATE.—A contract shall extend through the 2002 crop.

(3) ESTIMATION OF CONTRACT PAYMENTS.—At the time the Secretary enters into a contract, the Secretary shall provide an estimate of the minimum contract payments anticipated to be made during at least the first fiscal year for which contract payments will be made.

(c) ELIGIBLE FARMLAND DESCRIBED.—Land shall be considered to be farmland eligible for coverage under a contract only if the land has contract acreage attributable to the land and—

(1) for at least 1 of the 1991 through 1995 crops, at least a portion of the land was enrolled in the acreage reduction program authorized for a crop of a contract commodity under section 101B, 103B, 105B, or 107B of the Agricultural Act of 1949 (as in effect prior to the amendment made by section 110(b)(2)) or was considered planted, including land on a farm that is owned or leased by a beginning farmer (as determined by the Secretary) that the Secretary determines is necessary to establish a fair and equitable crop acreage base;

(2) was subject to a conservation reserve contract under section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) whose term expired, or was voluntarily terminated, on or after January 1, 1995; or

(3) is released from coverage under a conservation reserve contract by the Secretary during the period beginning on January 1, 1995, and ending on the date specified in subsection (b)(1)(A).

(d) TIME FOR PAYMENT.—

(1) IN GENERAL.—An annual contract payment shall be made not later than September 30 of each of fiscal years 1996 through 2002.

(2) ADVANCE PAYMENTS.—

(A) FISCAL YEAR 1996.—At the option of the owner or operator, 50 percent of the contract payment for fiscal year 1996 shall be made not later than June 15, 1996.

(B) SUBSEQUENT FISCAL YEARS.—At the option of the owner or operator for fiscal year 1997 and each subsequent fiscal year, 50 percent of the annual contract payment shall be made on December 15.

(e) AMOUNTS AVAILABLE FOR CONTRACT PAYMENTS FOR EACH FISCAL YEAR.—

(1) IN GENERAL.—The Secretary shall, to the maximum extent practicable, expend on a fiscal year basis the following amounts to satisfy the obligations of the Secretary under all contracts:

(A) For fiscal year 1996, $5,570,000,000.

(B) For fiscal year 1997, $5,385,000,000.

(C) For fiscal year 1998, $5,800,000,000.

(D) For fiscal year 1999, $5,603,000,000.

(E) For fiscal year 2000, $5,130,000,000.

(F) For fiscal year 2001, $4,130,000,000.

(G) For fiscal year 2002, $4,008,000,000.

(2) ALLOCATION.—The amount made available for a fiscal year under paragraph (1) shall be allocated as follows:

(A) For wheat, 26.26 percent.

(B) For corn, 46.22 percent.

(C) For grain sorghum, 5.11 percent.

(D) For barley, 2.16 percent.

(E) For oats, 0.15 percent.

(F) For upland cotton, 11.63 percent.

(G) For rice, 8.47 percent.

(3) ADJUSTMENT.—The Secretary shall adjust the amounts allocated for each contract commodity under paragraph (2) for a particular fiscal year by—

(A) subtracting an amount equal to the amount, if any, necessary to satisfy payment requirements under sections 103B, 105B, and 107B of the Agricultural Act of 1949 (as in effect prior to the amendment made by section 110(b)(2)) for the 1994 and 1995 crops of the commodity;

(B) adding an amount equal to the sum of all repayments of deficiency payments received under section 114(a)(2) of the Agricultural Act of 1949 for the commodity;

(C) to the maximum extent practicable, adding an amount equal to the sum of all contract payments withheld by the Secretary, at the request of an owner or operator subject to a contract, as an offset against repayments of deficiency payments otherwise required under section 114(a)(2) of the Act (as so in effect) for the commodity; and

(D) adding an amount equal to the sum of all refunds of contract payments received during the preceding fiscal year under subsection (h) for the commodity.

(4) ADDITIONAL RICE ALLOCATION.—In addition to the allocations provided under paragraphs (1), (2), and (3), the amounts made available for rice contract payments shall be increased by $17,000,000 for each of fiscal years 1997 through 2002.

(f) DETERMINATION OF CONTRACT PAYMENTS.—

(1) INDIVIDUAL PAYMENT QUANTITY OF CONTRACT COMMODITIES.—For each contract, the payment quantity of a contract commodity for each fiscal year shall be equal to the product of—

(A) 85 percent of the contract acreage; and

(B) the farm program payment yield.

(2) ANNUAL PAYMENT QUANTITY OF CONTRACT COMMODITIES.—The payment quantity of each contract commodity covered by all contracts for each fiscal year shall equal the sum of the amounts calculated under paragraph (1) for each individual contract.

(3) ANNUAL PAYMENT RATE.—The payment rate for a contract commodity for each fiscal year shall be equal to—

(A) the amount made available under subsection (e) for the contract commodity for the fiscal year; divided by

(B) the amount determined under paragraph (2) for the fiscal year.

(4) ANNUAL PAYMENT AMOUNT.—The amount to be paid under a contract in effect for each fiscal year with respect to a contract commodity shall be equal to the product of—

(A) the payment quantity determined under paragraph (1) with respect to the contract; and

(B) the payment rate in effect under paragraph (3).

(5) ASSIGNMENT OF CONTRACT PAYMENTS.—The provisions of section 8(g) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(g)) (relating to assignment of payments) shall apply to contract payments under this subsection. The owner or operator making the assignment, or the assignee, shall provide the Secretary with notice, in such manner as the Secretary may require in the contract, of any assignment made under this paragraph.

(6) SHARING OF CONTRACT PAYMENTS.—The Secretary shall provide for the sharing of contract payments among the owners and operators subject to the contract on a fair and equitable basis.

(g) PAYMENT LIMITATION.—The total amount of contract payments made to a person under a contract during any fiscal year may not exceed the payment limitations established under sections 1001 through 1001C of the Food Security Act of 1985 (7 U.S.C. 1308 through 1308–3).

(h) EFFECT OF VIOLATION.—

(1) TERMINATION OF CONTRACT.—Except as provided in paragraph (2), if an owner or operator subject to a contract violates a term of the contract required under subsection (a)(1), the Secretary shall terminate the contract with respect to the owner or operator on each farm in which the owner or operator has an interest. On the termination, the owner or operator shall forfeit all rights to receive future contract payments on each farm in which the owner or operator has an interest and shall refund to the Secretary all contract payments received by the owner or operator during the period of the violation, together with interest on the contract payments as determined by the Secretary.

(2) REFUND OR ADJUSTMENT.—If the Secretary determines that a violation does not warrant termination of the contract under paragraph (1), the Secretary may require the owner or operator subject to the contract—

(A) to refund to the Secretary that part of the contract payments received by the owner or operator during the period of the violation, together with interest on the contract payments as determined by the Secretary; or

(B) to accept a reduction in the amount of future contract payments that is proportionate to the severity of the violation, as determined by the Secretary.

(3) FORECLOSURE.—An owner or operator subject to a contract may not be required to make repayments to the Secretary of amounts received under the contract if the contract acreage has been foreclosed on and the Secretary determines that forgiving the repayments is appropriate in order to provide fair and equitable treatment. This paragraph shall not void the responsibilities of such an owner or operator under the contract if the owner or operator continues or resumes operation, or control, of the contract acreage. On the resumption of operation or control over the contract acreage by the owner or operator, the provisions of the contract in effect on the date of the foreclosure shall apply.

(4) REVIEW.—A determination of the Secretary under this subsection shall be considered to be an adverse decision for purposes of the availability of administrative review of the determination.

(i) TRANSFER OF INTEREST IN LANDS SUBJECT TO CONTRACT.—

(1) EFFECT OF TRANSFER.—Except as provided in paragraph (2), the transfer by an owner or operator subject to a contract of the right and interest of the owner or operator in the contract acreage shall result in the termination of the contract with respect to the acreage, effective on the date of the transfer, unless the transferee of the acreage agrees with the Secretary to assume all obligations of the contract. At the request of the transferee, the Secretary may modify the contract if the modifications are consistent with the objectives of this section as determined by the Secretary.

(2) EXCEPTION.—If an owner or operator who is entitled to a contract payment dies, becomes incompetent, or is otherwise unable to receive the contract payment, the Secretary shall make the payment, in accordance with regulations prescribed by the Secretary.

(j) PLANTING FLEXIBILITY.—

(1) PERMITTED CROPS.—Subject to paragraph (2), any commodity or crop may be planted on contract acreage on a farm.

(2) LIMITATIONS.—

(A) HAYING AND GRAZING.—

(i) TIME LIMITATIONS.—Haying and grazing on land exceeding 15 percent of the contract acreage on a farm as provided in clause (iii) shall be permitted, except during any consecutive 5-month period between April 1 and October 31 that is determined by the State committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) for a State. In the case of a natural disaster, the Secretary may permit unlimited haying and grazing on the contract acreage of a farm.

(ii) CONTRACT COMMODITIES.—Contract acreage planted to a contract commodity

during the crop year may be hayed or grazed without limitation.

(iii) HAYING AND GRAZING LIMITATION ON PORTION OF CONTRACT ACREAGE.—Unlimited haying and grazing shall be permitted on not more than 15 percent of the contract acreage on a farm.

(B) ALFALFA.—Alfalfa may be planted for harvest without limitation on the contract acreage on a farm, except that each contract acre that is planted for harvest to alfalfa in excess of 15 percent of the total contract acreage on a farm shall be ineligible for contract payments.

(C) FRUITS AND VEGETABLES.—

(i) IN GENERAL.—The planting for harvest of fruits and vegetables shall be prohibited on contract acreage, unless there is a history of double cropping of a contract commodity and fruits and vegetables.

(ii) UNRESTRICTED VEGETABLES.—Lentils, mung beans, and dry peas may be planted without limitation on contract acreage.

(k) CONSERVATION FARM OPTION.—

(1) ESTABLISHMENT.—The Secretary shall establish a voluntary conservation farm option to encourage producers to implement and maintain resource stewardship practices and systems.

(2) TERMS.—Notwithstanding any other provision of law, in the case of a producer who enters into an agreement under paragraph (3), the Secretary shall—

(A) not reduce any marketing assistance loans, contract payments, or other farm program benefits of the producer as a result of the planting of a resource-conserving crop, the establishment of a special conservation practice, the requirements of any integrated crop management practice, or the haying or grazing of contract acres enrolled in the voluntary conservation farm option that is consistent with an approved haying and grazing management plan; and

(B) provide payments to the producer equal to the sum of—

(i) the contract payments for which the producer is eligible;

(ii) any environmental quality incentives program payments for which the producer is eligible; and

(iii) any conservation reserve program payments for which the producer is eligible.

(3) AGREEMENTS.—To be eligible to participate in the voluntary conservation farm option, a producer must prepare and submit to the Secretary for approval a farm plan. Upon the approval of the farm plan, the Secretary shall enter into an agreement with the producer that specifies the contract acres being enrolled in the voluntary conservation farm option. The agreement shall be for a period of not less than three years, nor more than ten years, as determined by the producer. The agreement may be renewed upon the mutual agreement of the Secretary and the producer.

(4) PRODUCER RESPONSIBILITIES UNDER AGREEMENT.—Under the terms of an agreement entered into under paragraph (3), a producer shall agree—

(A) to actively comply with the terms and conditions of the applicable farm plan, as approved by the Secretary; and

(B) to keep such records as the Secretary may reasonably require for purposes of evaluation of the voluntary conservation farm option.

(5) REQUIREMENTS OF FARM PLAN.—To be approved by the Secretary, a farm plan submitted by a producer must—

(A) specify the contract acres the producer wishes to enroll in the voluntary conservation farm option;

(B) briefly describe the resource-conserving crop rotation, special conservation practices, biomass production, or integrated crop management practices to be implemented and maintained on such acreage during the agreement period which fulfill the purposes for which the voluntary conservation farm option is established;

(C) contain a schedule for the implementation, improvement and maintenance of the resource-conserving crop rotation, special conservation, biomass production, or integrated crop management operations and practices described in the farm plan; and

(D) contain such other terms as the Secretary may require.

(6) ADMINISTRATION.—

(A) TECHNICAL ASSISTANCE.—In administering the voluntary conservation farm option, the Secretary, in consultation with the State Technical Committee and local conservation districts, shall provide technical assistance to a producer in developing and implementing a farm plan, evaluating the effectiveness of a farm plan, and assessing the costs and benefits of farming operation and practices. If requested by a producer, the Secretary shall provide technical assistance to help the producer comply with Federal, State, and local conservation or environmental requirements.

(B) STATE PLAN.—In consultation with the State Technical Committee established under section 1261 of the Food Security Act of 1985 (16 U.S.C. 3801), the Secretary may establish conservation farm option plan guidance for a State that is designed to address particular priority needs and opportunities related to soil and water conservation and quality, wildlife habitat, or other natural resource issues.

(C) FLEXIBILITY.—In administering the voluntary conservation farm option, the Secretary shall provide sufficient flexibility for a producer to revise the producer's farm plan to respond to changes in market conditions, weather, or technology or to adjust and modify the farming operation, except that such revisions must be consistent with the purposes for which the voluntary conservation farm option is established and by approved by the Secretary.

(D) TERMINATION.—The Secretary may terminate an agreement entered into with a producer under this section if the producer agrees to such termination or the producer violates the terms and conditions of such agreement.

(7) DEFINITIONS.—In this subsection:

(A) The term ''farm plan'' means a site-specific farm management plan prepared by the producer and approved by the Secretary, incorporating, where applicable, a conservation plan prepared in accordance with subtitle B of title XII of the Food Security Act of 1985 (16 U.S.C. 3812 et seq.) or a haying and grazing management plan that protects the land from erosion and minimizes sediment and nutrient run-off.

(B) The term ''resource-conserving crop rotation'' means a crop rotation which includes at least one resource-conserving crop and that reduces erosion, maintains or improves soil fertility, tilt and structure, interrupts pest cycles, or conserves water.

(C) The term ''special conservation practices'' means field borders, contour buffer strips, grass waterways, filter strips, grass windbreaks, buffer areas, wildlife habitat plantings, farm ponds, habitat plantings for beneficial organisms that aid in the control of pests, adding soil building crops to rotations, grass plantings on highly erodible land managed to provide erosion control and wildlife cover, and such other practices as the Secretary may designate.

(D) The term ''integrated crop management practices'' means crop, water, nutrient, and pest management measures designed to reduce and minimize the use of pesticides and nutrients and irrigation water on the farm, including the use of reduced yield goals in areas particularly vulnerable to groundwater leaching, run-off to surface water, compaction from excess water withdrawals, or salinization of soils.

(E) The term ''resource-conserving crop'' means legumes, grasses, brassica cover crops and forages, alternative crops, any interseeded or rely-planted combination of such crops, any interseeded or relay-planted combination of such crops and small grains, and such other crops as the Secretary may designate.

(F) The term ''legumes'' means any legume, including alfalfa, clover, lentils, lupine, medic, peas, soybeans, and vetch, grown for use as a forage, green manure, or biomass feedstock, but not including any pulse crop from which the seeds are harvested and sold for purposes other than use as seed for planting.

(G) The term ''alternative crops'' means experimental, industrial, and oilseed crops which conserve soil and water.

(H) The term ''small grains'' means any small grain, including barley, buckwheat, oats, rye, spelt, triticale, and wheat.

(8) CONFORMING REPEAL.—Section 1451 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5822) is repealed.

(l) CONFORMING AMENDMENTS TO FOOD SECURITY ACT OF 1985.—

(1) HIGHLY ERODIBLE LAND CONSERVATION.—Section 1211(3) of the Food Security Act of 1985 (16 U.S.C. 3811(3)) is amended—

(A) in subparagraph (E), by striking ''or'' at the end;

(B) in subparagraph (F), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(G) a payment under a production flexibility contract under section 103 of the Agricultural Market Transition Act.''.

(2) WETLAND CONSERVATION.—Section 1221(a)(3) of the Food Security Act of 1985 (16 U.S.C. 3821(a)(3)) is amended—

(A) in subparagraph (E), by striking ''or'' at the end;

(B) in subparagraph (F), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(G) a payment under a production flexibility contract under section 103 of the Agricultural Market Transition Act.''.

SEC. 104. NONRECOURSE MARKETING ASSISTANCE LOANS AND LOAN DEFICIENCY PAYMENTS.

(a) AVAILABILITY OF NONRECOURSE LOANS.—

(1) AVAILABILITY.—For each of the 1996 through 2002 crops of each loan commodity, the Secretary shall make available to producers on a farm nonrecourse marketing assistance loans for loan commodities produced on the farm. The loans shall be made under terms and conditions that are prescribed by the Secretary and at the loan rate established under subsection (b) for the loan commodity.

(2) ELIGIBLE PRODUCTION.—The following production shall be eligible for a marketing assistance loan under this section:

(A) In the case of a marketing assistance loan for a contract commodity, any production by a producer who has entered into a production flexibility contract.

(B) In the case of a marketing assistance loan for extra long staple cotton and oilseeds, any production.

(b) LOAN RATES.—

(1) WHEAT.—

(A) LOAN RATE.—Subject to subparagraph (B), the loan rate for a marketing assistance loan for wheat shall be—

(i) not less than 85 percent of the simple average price received by producers of wheat, as determined by the Secretary, during the marketing years for the immediately preceding 5 crops of wheat, excluding the year in which the average price was the

highest and the year in which the average price was the lowest in the period; but

(ii) not more than $2.58 per bushel.

(B) STOCKS TO USE RATIO ADJUSTMENT.—If the Secretary estimates for any marketing year that the ratio of ending stocks of wheat to total use for the marketing year will be—

(i) equal to or greater than 30 percent, the Secretary may reduce the loan rate for wheat for the corresponding crop by an amount not to exceed 10 percent in any year;

(ii) less than 30 percent but not less than 15 percent, the Secretary may reduce the loan rate for wheat for the corresponding crop by an amount not to exceed 5 percent in any year; or

(iii) less than 15 percent, the Secretary may not reduce the loan rate for wheat for the corresponding crop.

(C) NO EFFECT ON FUTURE YEARS.—Any reduction in the loan rate for wheat under subparagraph (B) shall not be considered in determining the loan rate for wheat for subsequent years.

(2) FEED GRAINS.—

(A) LOAN RATE FOR CORN.—Subject to subparagraph (B), the loan rate for a marketing assistance loan for corn shall be—

(i) not less than 85 percent of the simple average price received by producers of corn, as determined by the Secretary, during the marketing years for the immediately preceding 5 crops of corn, excluding the year in which the average price was the highest and the year in which the average price was the lowest in the period; but

(ii) not more than $1.89 per bushel.

(B) STOCKS TO USE RATIO ADJUSTMENT.—If the Secretary estimates for any marketing year that the ratio of ending stocks of corn to total use for the marketing year will be—

(i) equal to or greater than 25 percent, the Secretary may reduce the loan rate for corn for the corresponding crop by an amount not to exceed 10 percent in any year;

(ii) less than 25 percent but not less than 12.5 percent, the Secretary may reduce the loan rate for corn for the corresponding crop by an amount not to exceed 5 percent in any year; or

(iii) less than 12.5 percent the Secretary may not reduce the loan rate for corn for the corresponding crop.

(C) NO EFFECT ON FUTURE YEARS.—Any reduction in the loan rate for corn under subparagraph (B) shall not be considered in determining the loan rate for corn for subsequent years.

(D) OTHER FEED GRAINS.—The loan rate for a marketing assistance loan for grain sorghum, barley, and oats, respectively, shall be established at such level as the Secretary determines is fair and reasonable in relation to the rate that loans are made available for corn, taking into consideration the feeding value of the commodity in relation to corn.

(3) UPLAND COTTON.—

(A) LOAN RATE.—Subject to subparagraph (B), the loan rate for a marketing assistance loan for upland cotton shall be established by the Secretary at such loan rate, per pound, as will reflect for the base quality of upland cotton, as determined by the Secretary, at average locations in the United States a rate that is not less than the smaller of—

(i) 85 percent of the average price (weighted by market and month) of the base quality of cotton as quoted in the designated United States spot markets during 3 years of the 5-year period ending July 31 in the year in which the loan rate is announced, excluding the year in which the average price was the highest and the year in which the average price was the lowest in the period; or

(ii) 90 percent of the average, for the 15-week period beginning July 1 of the year in which the loan rate is announced, of the 5 lowest-priced growths of the growths quoted for Middling 1 3/32-inch cotton C.I.F. Northern Europe (adjusted downward by the average difference during the period April 15 through October 15 of the year in which the loan is announced between the average Northern European price quotation of such quality of cotton and the market quotations in the designated United States spot markets for the base quality of upland cotton), as determined by the Secretary.

(B) LIMITATIONS.—The loan rate for a marketing assistance loan for upland cotton shall not be less than $0.50 per pound or more than $0.5192 per pound.

(4) EXTRA LONG STAPLE COTTON.—The loan rate for a marketing assistance loan for extra long staple cotton shall be—

(A) not less than 85 percent of the simple average price received by producers of extra long staple cotton, as determined by the Secretary, during 3 years of the 5 previous marketing years, excluding the year in which the average price was the highest and the year in which the average price was the lowest in the period; but

(B) not more than $0.7965 per pound.

(5) RICE.—The loan rate for a marketing assistance loan for rice shall be $6.50 per hundredweight.

(6) OILSEEDS.—

(A) SOYBEANS.—The loan rate for a marketing assistance loan for soybeans shall be—

(i) not less than 85 percent of the simple average price received by producers of soybeans, as determined by the Secretary, during the marketing years for the immediately preceding 5 crops of soybeans, excluding the year in which the average price was the highest and the year in which the average price was the lowest in the period; but

(ii) not less than $4.92 or more than $5.26 per bushel.

(B) SUNFLOWER SEED, CANOLA, RAPESEED, SAFFLOWER, MUSTARD SEED, AND FLAXSEED.—The loan rate for a marketing assistance loan for sunflower seed, canola, rapeseed, safflower, mustard seed, and flaxseed, individually, shall be—

(i) not less than 85 percent of the simple average price received by producers of sunflower seed, individually, as determined by the Secretary, during the marketing years for the immediately preceding 5 crops of sunflower seed, individually, excluding the year in which the average price was the highest and the year in which the average price was the lowest in the period; but

(ii) not less than $0.087 or more than $0.093 per pound.

(C) OTHER OILSEEDS.—The loan rates for a marketing assistance loan for other oilseeds shall be established at such level as the Secretary determines is fair and reasonable in relation to the loan rate available for soybeans, except in no event shall the rate for the oilseeds (other than cottonseed) be less than the rate established for soybeans on a per-pound basis for the same crop.

(c) TERM OF LOAN.—In the case of each loan commodity (other than upland cotton or extra long staple cotton), a marketing assistance loan under subsection (a) shall have a term of 9 months beginning on the first day of the first month after the month in which the loan is made. A marketing assistance loan for upland cotton or extra long staple cotton shall have a term of 10 months beginning on the first day of the first month after the month in which the loan is made. The Secretary may not extend the term of a marketing assistance loan for any loan commodity.

(d) REPAYMENT.—

(1) REPAYMENT RATES FOR WHEAT AND FEED GRAINS.—The Secretary shall permit a producer to repay a marketing assistance loan under subsection (a) for wheat, corn, grain sorghum, barley, and oats at a level that the Secretary determines will—

(A) minimize potential loan forfeitures;

(B) minimize the accumulation of stocks of the commodities by the Federal Government;

(C) minimize the cost incurred by the Federal Government in storing the commodities; and

(D) allow the commodities produced in the United States to be marketed freely and competitively, both domestically and internationally.

(2) REPAYMENT RATES FOR UPLAND COTTON, OILSEEDS, AND RICE.—The Secretary shall permit producers to repay a marketing assistance loan under subsection (a) for upland cotton, oilseeds, and rice at a level that is the lesser of—

(A) the loan rate established for upland cotton, oilseeds, and rice, respectively, under subsection (b); or

(B) the prevailing world market price for upland cotton, oilseeds, and rice, respectively (adjusted to United States quality and location), as determined by the Secretary.

(3) REPAYMENT RATES FOR EXTRA LONG STAPLE COTTON.—Repayment of a marketing assistance loan for extra long staple cotton shall be at the loan rate established for the commodity under subsection (b), plus interest (as determined by the Secretary).

(4) PREVAILING WORLD MARKET PRICE.—For purposes of paragraph (2)(B) and subsection (f), the Secretary shall prescribe by regulation—

(A) a formula to determine the prevailing world market price for each loan commodity, adjusted to United States quality and location; and

(B) a mechanism by which the Secretary shall announce periodically the prevailing world market price for each loan commodity.

(5) ADJUSTMENT OF PREVAILING WORLD MARKET PRICE FOR UPLAND COTTON.—

(A) IN GENERAL.—During the period ending July 31, 2003, the prevailing world market price for upland cotton (adjusted to United States quality and location) established under paragraph (4) shall be further adjusted if—

(i) the adjusted prevailing world market price is less than 115 percent of the loan rate for upland cotton established under subsection (b), as determined by the Secretary; and

(ii) the Friday through Thursday average price quotation for the lowest-priced United States growth as quoted for Middling (M) 1 3/32-inch cotton delivered C.I.F. Northern Europe is greater than the Friday through Thursday average price of the 5 lowest-priced growths of upland cotton, as quoted for Middling (M) 1 3/32-inch cotton, delivered C.I.F. Northern Europe (referred to in this subsection as the ''Northern Europe price'').

(B) FURTHER ADJUSTMENT.—Except as provided in subparagraph (C), the adjusted prevailing world market price for upland cotton shall be further adjusted on the basis of some or all of the following data, as available:

(i) The United States share of world exports.

(ii) The current level of cotton export sales and cotton export shipments.

(iii) Other data determined by the Secretary to be relevant in establishing an accurate prevailing world market price for upland cotton (adjusted to United States quality and location).

(C) LIMITATION ON FURTHER ADJUSTMENT.—The adjustment under subparagraph (B) may not exceed the difference between—

(i) the Friday through Thursday average price for the lowest-priced United States

growth as quoted for Middling 1 3/32-inch cotton delivered C.I.F. Northern Europe; and

(ii) the Northern Europe price.

(e) LOAN DEFICIENCY PAYMENTS.—

(1) AVAILABILITY.—Except as provided in paragraph (4), the Secretary may make loan deficiency payments available to producers who, although eligible to obtain a marketing assistance loan under subsection (a) with respect to a loan commodity, agree to forgo obtaining the loan for the commodity in return for payments under this subsection.

(2) COMPUTATION.—A loan deficiency payment under this subsection shall be computed by multiplying—

(A) the loan payment rate determined under paragraph (3) for the loan commodity; by

(B) the quantity of the loan commodity that the producers on a farm are eligible to place under loan but for which the producers forgo obtaining the loan in return for payments under this subsection.

(3) LOAN PAYMENT RATE.—For purposes of this subsection, the loan payment rate shall be the amount by which—

(A) the loan rate established under subsection (b) for the loan commodity; exceeds

(B) the rate at which a loan for the commodity may be repaid under subsection (d).

(4) EXCEPTION FOR EXTRA LONG STAPLE COTTON.—This subsection shall not apply with respect to extra long staple cotton.

(f) SPECIAL MARKETING LOAN PROVISIONS FOR UPLAND COTTON.—

(1) COTTON USER MARKETING CERTIFICATES.—

(A) ISSUANCE.—Subject to subparagraph (D), during the period ending July 31, 2003, the Secretary shall issue marketing certificates or cash payments to domestic users and exporters for documented purchases by domestic users and sales for export by exporters made in the week following a consecutive 4-week period in which—

(i) the Friday through Thursday average price quotation for the lowest-priced United States growth, as quoted for Middling (M) 1 3/32-inch cotton, delivered C.I.F. Northern Europe exceeds the Northern Europe price by more than 1.25 cents per pound; and

(ii) the prevailing world market price for upland cotton (adjusted to United States quality and location) does not exceed 130 percent of the loan rate for upland cotton established under subsection (b).

(B) VALUE OF CERTIFICATES OR PAYMENTS.—The value of the marketing certificates or cash payments shall be based on the amount of the difference (reduced by 1.25 cents per pound) in the prices during the 4th week of the consecutive 4-week period multiplied by the quantity of upland cotton included in the documented sales.

(C) ADMINISTRATION OF MARKETING CERTIFICATES.—

(i) REDEMPTION, MARKETING, OR EXCHANGE.—The Secretary shall establish procedures for redeeming marketing certificates for cash or marketing or exchange of the certificates for agricultural commodities owned by the Commodity Credit Corporation in such manner, and at such price levels, as the Secretary determines will best effectuate the purposes of cotton user marketing certificates. Any price restrictions that would otherwise apply to the disposition of agricultural commodities by the Commodity Credit Corporation shall not apply to the redemption of certificates under this paragraph.

(ii) DESIGNATION OF COMMODITIES AND PRODUCTS.—To the extent practicable, the Secretary shall permit owners of certificates to designate the commodities and products, including storage sites, the owners would prefer to receive in exchange for certificates. If any certificate is not presented for redemption, marketing, or exchange within a reasonable number of days after the issuance of the certificate (as determined by the Secretary), reasonable costs of storage and other carrying charges, as determined by the Secretary, shall be deducted from the value of the certificate for the period beginning after the reasonable number of days and ending with the date of the presentation of the certificate to the Commodity Credit Corporation.

(iii) TRANSFERS.—Marketing certificates issued to domestic users and exporters of upland cotton may be transferred to other persons in accordance with regulations issued by the Secretary.

(D) EXCEPTION.—The Secretary shall not issue marketing certificates or cash payments under subparagraph (A) if, for the immediately preceding consecutive 10-week period, the Friday through Thursday average price quotation for the lowest priced United States growth, as quoted for Middling (M) 1 3/32-inch cotton, delivered C.I.F. Northern Europe, adjusted for the value of any certificate issued under this paragraph, exceeds the Northern Europe price by more than 1.25 cents per pound.

(E) LIMITATION ON EXPENDITURES.—Total expenditures under this paragraph shall not exceed $701,000,000 during fiscal years 1996 through 2002.

(2) SPECIAL IMPORT QUOTA.—

(A) ESTABLISHMENT.—The President shall carry out an import quota program that provides that, during the period ending July 31, 2003, whenever the Secretary determines and announces that for any consecutive 10-week period, the Friday through Thursday average price quotation for the lowest-priced United States growth, as quoted for Middling (M) 1 3/32-inch cotton, delivered C.I.F. Northern Europe, adjusted for the value of any certificates issued under paragraph (1), exceeds the Northern Europe price by more than 1.25 cents per pound, there shall immediately be in effect a special import quota.

(B) QUANTITY.—The quota shall be equal to 1 week's consumption of upland cotton by domestic mills at the seasonally adjusted average rate of the most recent 3 months for which data are available.

(C) APPLICATION.—The quota shall apply to upland cotton purchased not later than 90 days after the date of the Secretary's announcement under subparagraph (A) and entered into the United States not later than 180 days after the date.

(D) OVERLAP.—A special quota period may be established that overlaps any existing quota period if required by subparagraph (A), except that a special quota period may not be established under this paragraph if a quota period has been established under subsection (g).

(E) PREFERENTIAL TARIFF TREATMENT.—The quantity under a special import quota shall be considered to be an in-quota quantity for purposes of—

(i) section 213(d) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(d));

(ii) section 204 of the Andean Trade Preference Act (19 U.S.C. 3203);

(iii) section 503(d) of the Trade Act of 1974 (19 U.S.C. 2463(d)); and

(iv) General Note 3(a)(iv) to the Harmonized Tariff Schedule.

(F) DEFINITION.—In this paragraph, the term ''special import quota'' means a quantity of imports that is not subject to the over-quota tariff rate of a tariff-rate quota.

(g) LIMITED GLOBAL IMPORT QUOTA FOR UPLAND COTTON.—

(1) IN GENERAL.—The President shall carry out an import quota program that provides that whenever the Secretary determines and announces that the average price of the base quality of upland cotton, as determined by the Secretary, in the designated spot markets for a month exceeded 130 percent of the average price of such quality of cotton in the markets for the preceding 36 months, notwithstanding any other provision of law, there shall immediately be in effect a limited global import quota subject to the following conditions:

(A) QUANTITY.—The quantity of the quota shall be equal to 21 days of domestic mill consumption of upland cotton at the seasonally adjusted average rate of the most recent 3 months for which data are available.

(B) QUANTITY IF PRIOR QUOTA.—If a quota has been established under this subsection during the preceding 12 months, the quantity of the quota next established under this subsection shall be the smaller of 21 days of domestic mill consumption calculated under subparagraph (A) or the quantity required to increase the supply to 130 percent of the demand.

(C) PREFERENTIAL TARIFF TREATMENT.—The quantity under a limited global import quota shall be considered to be an in-quota quantity for purposes of—

(i) section 213(d) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(d));

(ii) section 204 of the Andean Trade Preference Act (19 U.S.C. 3203);

(iii) section 503(d) of the Trade Act of 1974 (19 U.S.C. 2463(d)); and

(iv) General Note 3(a)(iv) to the Harmonized Tariff Schedule.

(D) DEFINITIONS.—In this subsection:

(i) SUPPLY.—The term ''supply'' means, using the latest official data of the Bureau of the Census, the Department of Agriculture, and the Department of the Treasury—

(I) the carry-over of upland cotton at the beginning of the marketing year (adjusted to 480-pound bales) in which the quota is established;

(II) production of the current crop; and

(III) imports to the latest date available during the marketing year.

(ii) DEMAND.—The term ''demand'' means—

(I) the average seasonally adjusted annual rate of domestic mill consumption in the most recent 3 months for which data are available; and

(II) the larger of—

(aa) average exports of upland cotton during the preceding 6 marketing years; or

(bb) cumulative exports of upland cotton plus outstanding export sales for the marketing year in which the quota is established.

(iii) LIMITED GLOBAL IMPORT QUOTA.—The term ''limited global import quota'' means a quantity of imports that is not subject to the over-quota tariff rate of a tariff-rate quota.

(E) QUOTA ENTRY PERIOD.—When a quota is established under this subsection, cotton may be entered under the quota during the 90-day period beginning on the date the quota is established by the Secretary.

(2) NO OVERLAP.—Notwithstanding paragraph (1), a quota period may not be established that overlaps an existing quota period or a special quota period established under subsection (f)(2).

(h) SOURCE OF LOANS.—

(1) IN GENERAL.—The Secretary shall provide the loans authorized by this section through the Commodity Credit Corporation and other means available to the Secretary.

(2) PROCESSORS.—Whenever any loan or surplus removal operation for any agricultural commodity is carried out through purchases from or loans or payments to processors, the Secretary shall, to the extent practicable, obtain from the processors such assurances as the Secretary considers adequate that the producers of the commodity have received or will receive maximum benefits from the loan or surplus removal operation.

(i) ADJUSTMENTS OF LOANS.—

(1) IN GENERAL.—The Secretary may make appropriate adjustments in the loan levels for any commodity for differences in grade, type, quality, location, and other factors.

(2) LOAN LEVEL.—The adjustments shall, to the maximum extent practicable, be made in such manner that the average loan level for the commodity will, on the basis of the anticipated incidence of the factors, be equal to the level of support determined as provided in this section.

(j) PERSONAL LIABILITY OF PRODUCERS FOR DEFICIENCIES.—

(1) IN GENERAL.—Except as provided in paragraph (2), no producer shall be personally liable for any deficiency arising from the sale of the collateral securing any nonrecourse loan made under this section unless the loan was obtained through a fraudulent representation by the producer.

(2) LIMITATIONS.—Paragraph (1) shall not prevent the Commodity Credit Corporation or the Secretary from requiring a producer to assume liability for—

(A) a deficiency in the grade, quality, or quantity of a commodity stored on a farm or delivered by the producer;

(B) a failure to properly care for and preserve a commodity; or

(C) a failure or refusal to deliver a commodity in accordance with a program established under this section.

(3) ACQUISITION OF COLLATERAL.—The Secretary may include in a contract for a nonrecourse loan made under this section a provision that permits the Commodity Credit Corporation, on and after the maturity of the loan or any extension of the loan, to acquire title to the unredeemed collateral without obligation to pay for any market value that the collateral may have in excess of the loan indebtedness.

(4) SUGARCANE AND SUGAR BEETS.—A security interest obtained by the Commodity Credit Corporation as a result of the execution of a security agreement by the processor of sugarcane or sugar beets shall be superior to all statutory and common law liens on raw cane sugar and refined beet sugar in favor of the producers of sugarcane and sugar beets and all prior recorded and unrecorded liens on the crops of sugarcane and sugar beets from which the sugar was derived.

(k) COMMODITY CREDIT CORPORATION SALES PRICE RESTRICTIONS.—

(1) IN GENERAL.—The Commodity Credit Corporation may sell any commodity owned or controlled by the Corporation at any price that the Secretary determines will maximize returns to the Corporation.

(2) NONAPPLICATION OF SALES PRICE RESTRICTIONS.—Paragraph (1) shall not apply to—

(A) a sale for a new or byproduct use;

(B) a sale of peanuts or oilseeds for the extraction of oil;

(C) a sale for seed or feed if the sale will not substantially impair any loan program;

(D) a sale of a commodity that has substantially deteriorated in quality or as to which there is a danger of loss or waste through deterioration or spoilage;

(E) a sale for the purpose of establishing a claim arising out of a contract or against a person who has committed fraud, misrepresentation, or other wrongful act with respect to the commodity;

(F) a sale for export, as determined by the Corporation; and

(G) a sale for other than a primary use.

(3) PRESIDENTIAL DISASTER AREAS.—

(A) IN GENERAL.—Notwithstanding paragraph (1), on such terms and conditions as the Secretary may consider in the public interest, the Corporation may make available any commodity or product owned or controlled by the Corporation for use in relieving distress—

(i) in any area in the United States (including the Virgin Islands) declared by the President to be an acute distress area because of unemployment or other economic cause, if the President finds that the use will not displace or interfere with normal marketing of agricultural commodities; and

(ii) in connection with any major disaster determined by the President to warrant assistance by the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(B) COSTS.—Except on a reimbursable basis, the Corporation shall not bear any costs in connection with making a commodity available under subparagraph (A) beyond the cost of the commodity to the Corporation incurred in—

(i) the storage of the commodity; and

(ii) the handling and transportation costs in making delivery of the commodity to designated agencies at 1 or more central locations in each State or other area.

(4) EFFICIENT OPERATIONS.—Paragraph (1) shall not apply to the sale of a commodity the disposition of which is desirable in the interest of the effective and efficient conduct of the operations of the Corporation because of the small quantity of the commodity involved, or because of the age, location, or questionable continued storability of the commodity.

SEC. 105. PAYMENT LIMITATIONS.

(a) IN GENERAL.—Section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) is amended by striking paragraphs (1) through (4) and inserting the following:

''(1) LIMITATION ON PAYMENTS UNDER PRODUCTION FLEXIBILITY CONTRACTS.—The total amount of contract payments made under section 103 of the Agricultural Market Transition Act to a person under 1 or more production flexibility contracts during any fiscal year may not exceed $40,000.

''(2) LIMITATION ON MARKETING LOAN GAINS AND LOAN DEFICIENCY PAYMENTS.—

''(A) LIMITATION.—The total amount of payments specified in subparagraph (B) that a person shall be entitled to receive under section 104 of the Agricultural Market Transition Act for contract commodities and oilseeds during any crop year may not exceed $75,000.

''(B) DESCRIPTION OF PAYMENTS.—The payments referred to in subparagraph (A) are the following:

''(i) Any gain realized by a producer from repaying a marketing assistance loan for a crop of any loan commodity at a lower level than the original loan rate established for the commodity under section 104(b) of the Act.

''(ii) Any loan deficiency payment received for a loan commodity under section 104(e) of the Act.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) (as amended by subsection (a)) is amended—

(A) by redesignating paragraphs (5), (6), and (7) as paragraphs (3), (4), and (5), respectively; and

(B) in the second sentence of paragraph (3)(A) (as so redesignated), by striking ''paragraphs (6) and (7)'' and inserting ''paragraphs (4) and (5)''.

(2) Section 1305(d) of the Agricultural Reconciliation Act of 1987 (Public Law 100–203; 7 U.S.C. 1308 note) is amended by striking ''paragraphs (5) through (7) of section 1001, as amended by this subtitle,'' and inserting ''paragraphs (3) through (5) of section 1001,''.

(3) Section 1001A of the Food Security Act of 1985 (7 U.S.C. 1308–1(a)(1)) is amended—

(A) in the first sentence of subsection (a)(1)—

(i) by striking ''section 1001(5)(B)(i)'' and inserting ''section 1001(3)(B)(i)'';

(ii) by striking ''under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.)''; and

(iii) by striking ''section 1001(5)(B)(i)(II)'' and inserting ''section 1001(3)(B)(i)(II)''; and

(B) in subsection (b)—

(i) in paragraph (1)—

(I) by striking ''under the Agricultural Act of 1949''; and

(II) by striking ''section 1001(5)(B)(i)'' and inserting ''section 1001(3)(B)(i)''; and

(ii) in paragraph (2)(B), by striking ''section 1001(5)(B)(i)(II)'' and inserting ''section 1001(3)(B)(i)(II)''.

(4) Section 1001C(a) of the Food Security Act of 1985 (7 U.S.C. 1308–3(a)) is amended—

(A) by striking ''For each of the 1991 through 1997 crops, any'' and inserting ''Any'';

(B) by striking ''price support program loans, payments, or benefits made available under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.),'' and inserting ''loans or payments made available under the Agricultural Market Transition Act''; and

(C) by striking ''during the 1989 through 1997 crop years''.

SEC. 106. PEANUT PROGRAM.

(a) QUOTA PEANUTS.—

(1) AVAILABILITY OF LOANS.—The Secretary shall make nonrecourse loans available to producers of quota peanuts.

(2) LOAN RATE.—The national average quota loan rate for quota peanuts shall be $610 per ton.

(3) INSPECTION, HANDLING, OR STORAGE.—The loan amount may not be reduced by the Secretary by any deductions for inspection, handling, or storage.

(4) LOCATION AND OTHER FACTORS.—The Secretary may make adjustments in the loan rate for quota peanuts for location of peanuts and such other factors as are authorized by section 104(i)(1).

(b) ADDITIONAL PEANUTS.—

(1) IN GENERAL.—The Secretary shall make nonrecourse loans available to producers of additional peanuts at such rates as the Secretary finds appropriate, taking into consideration the demand for peanut oil and peanut meal, expected prices of other vegetable oils and protein meals, and the demand for peanuts in foreign markets.

(2) ANNOUNCEMENT.—The Secretary shall announce the loan rate for additional peanuts of each crop not later than February 15 preceding the marketing year for the crop for which the loan rate is being determined.

(c) AREA MARKETING ASSOCIATIONS.—

(1) WAREHOUSE STORAGE LOANS.—

(A) IN GENERAL.—In carrying out subsections (a) and (b), the Secretary shall make warehouse storage loans available in each of the producing areas (described in section 1446.95 of title 7 of the Code of Federal Regulations (January 1, 1989)) to a designated area marketing association of peanut producers that is selected and approved by the Secretary and that is operated primarily for the purpose of conducting the loan activities. The Secretary may not make warehouse storage loans available to any cooperative that is engaged in operations or activities concerning peanuts other than those operations and activities specified in this section and section 358e of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359a).

(B) ADMINISTRATIVE AND SUPERVISORY ACTIVITIES.—An area marketing association shall be used in administrative and supervisory activities relating to loans and marketing activities under this section and section 358e of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359a).

(C) ASSOCIATION COSTS.—Loans made to the association under this paragraph shall include such costs as the area marketing association reasonably may incur in carrying out the responsibilities, operations, and activities of the association under this section and section 358e of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359a).

(2) POOLS FOR QUOTA AND ADDITIONAL PEANUTS.—

(A) IN GENERAL.—The Secretary shall require that each area marketing association establish pools and maintain complete and accurate records by area and segregation for quota peanuts handled under loan and for additional peanuts placed under loan, except that separate pools shall be established for Valencia peanuts produced in New Mexico.

(B) ELIGIBILITY TO PARTICIPATE.—

(i) IN GENERAL.—Except as provided in clause (ii), in the case of the 1996 and subsequent crops, Valencia peanuts not physically produced in the State of New Mexico shall not be eligible to participate in the pools of the State.

(ii) EXCEPTION.—A resident of the State of New Mexico may enter Valencia peanuts that are produced outside of the State into the pools of the State in a quantity that is not greater than the 1995 crop of the resident that was produced outside the State.

(C) TYPES OF PEANUTS.—Bright hull and dark hull Valencia peanuts shall be considered as separate types for the purpose of establishing the pools.

(D) NET GAINS.—Net gains on peanuts in each pool, unless otherwise approved by the Secretary, shall be distributed only to producers who placed peanuts in the pool and shall be distributed in proportion to the value of the peanuts placed in the pool by each producer. Net gains for peanuts in each pool shall consist of the following:

(i) QUOTA PEANUTS.—For quota peanuts, the net gains over and above the loan indebtedness and other costs or losses incurred on peanuts placed in the pool.

(ii) ADDITIONAL PEANUTS.—For additional peanuts, the net gains over and above the loan indebtedness and other costs or losses incurred on peanuts placed in the pool for additional peanuts.

(d) LOSSES.—Losses in quota area pools shall be covered using the following sources in the following order of priority:

(1) TRANSFERS FROM ADDITIONAL LOAN POOLS.—The proceeds due any producer from any pool shall be reduced by the amount of any loss that is incurred with respect to peanuts transferred from an additional loan pool to a quota loan pool by the producer under section 358–1(b)(8) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1358–1(b)(8)).

(2) OTHER PRODUCERS IN SAME POOL.—Further losses in an area quota pool shall be offset by reducing the gain of any producer in the pool by the amount of pool gains attributed to the same producer from the sale of additional peanuts for domestic and export edible use.

(3) OFFSET WITHIN AREA.—Further losses in an area quota pool shall be offset by any gains or profits from additional peanuts (other than separate type pools established under subsection (c)(2)(A) for Valencia peanuts produced in New Mexico) owned or controlled by the Commodity Credit Corporation in that area and sold for domestic edible use, in accordance with regulations issued by the Secretary.

(4) USE OF MARKETING ASSESSMENTS.—The Secretary shall use funds collected under subsection (g) (except funds attributable to handlers) to offset further losses in area quota pools. The Secretary shall transfer to the Treasury those funds collected under subsection (g) and available for use under this subsection that the Secretary determines are not required to cover losses in area quota pools.

(5) CROSS COMPLIANCE.—Further losses in area quota pools, other than losses incurred as a result of transfers from additional loan pools to quota loan pools under section 358–1(b)(8) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1358–1(b)(8)), shall be offset by any gains or profits from quota pools in other production areas (other than separate type pools established under subsection (c)(2)(A) for Valencia peanuts produced in New Mexico) in such manner as the Secretary shall by regulation prescribe.

(6) OFFSET GENERALLY.—If losses in an area quota pool have not been entirely offset under paragraph (3), further losses shall be offset by any gains or profits from additional peanuts (other than separate type pools established under subsection (c)(2)(A) for Valencia peanuts produced in New Mexico) owned or controlled by the Commodity Credit Corporation and sold for domestic edible use, in accordance with regulations issued by the Secretary.

(7) INCREASED ASSESSMENTS.—If use of the authorities provided in the preceding paragraphs is not sufficient to cover losses in an area quota pool, the Secretary shall increase the marketing assessment established under subsection (g) by such an amount as the Secretary considers necessary to cover the losses. The increased assessment shall apply only to quota peanuts in the production area covered by the pool. Amounts collected under subsection (g) as a result of the increased assessment shall be retained by the Secretary to cover losses in that pool.

(e) DISAPPROVAL OF QUOTAS.—Notwithstanding any other provision of law, no loan for quota peanuts may be made available by the Secretary for any crop of peanuts with respect to which poundage quotas have been disapproved by producers, as provided for in section 358–1(d) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1358–1(d)).

(f) QUALITY IMPROVEMENT.—

(1) IN GENERAL.—With respect to peanuts under loan, the Secretary shall—

(A) promote the crushing of peanuts at a greater risk of deterioration before peanuts of a lesser risk of deterioration;

(B) ensure that all Commodity Credit Corporation inventories of peanuts sold for domestic edible use must be shown to have been officially inspected by licensed Department inspectors both as farmer stock and shelled or cleaned in-shell peanuts;

(C) continue to endeavor to operate the peanut program so as to improve the quality of domestic peanuts and ensure the coordination of activities under the Peanut Administrative Committee established under Marketing Agreement No. 146, regulating the quality of domestically produced peanuts (under the Agricultural Adjustment Act (7 U.S.C. 601 et seq.), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937); and

(D) ensure that any changes made in the peanut program as a result of this subsection requiring additional production or handling at the farm level shall be reflected as an upward adjustment in the Department loan schedule.

(2) EXPORTS AND OTHER PEANUTS.—The Secretary shall require that all peanuts in the domestic and export markets fully comply with all quality standards under Marketing Agreement No. 146.

(g) MARKETING ASSESSMENT.—

(1) IN GENERAL.—The Secretary shall provide for a nonrefundable marketing assessment. The assessment shall be made on a per pound basis in an amount equal to 1.1 percent for each of the 1994 and 1995 crops, 1.15 percent for the 1996 crop, and 1.2 percent for each of the 1997 through 2002 crops, of the national average quota or additional peanut loan rate for the applicable crop.

(2) FIRST PURCHASERS.—

(A) IN GENERAL.—Except as provided under paragraphs (3) and (4), the first purchaser of peanuts shall—

(i) collect from the producer a marketing assessment equal to the quantity of peanuts acquired multiplied by—

(I) in the case of each of the 1994 and 1995 crops, .55 percent of the applicable national average loan rate;

(II) in the case of the 1996 crop, .6 percent of the applicable national average loan rate; and

(III) in the case of each of the 1997 through 2002 crops, .65 percent of the applicable national average loan rate;

(ii) pay, in addition to the amount collected under clause (i), a marketing assessment in an amount equal to the quantity of peanuts acquired multiplied by .55 percent of the applicable national average loan rate; and

(iii) remit the amounts required under clauses (i) and (ii) to the Commodity Credit Corporation in a manner specified by the Secretary.

(B) DEFINITION OF FIRST PURCHASER.—In this subsection, the term ''first purchaser'' means a person acquiring peanuts from a producer except that in the case of peanuts forfeited by a producer to the Commodity Credit Corporation, the term means the person acquiring the peanuts from the Commodity Credit Corporation.

(3) OTHER PRIVATE MARKETINGS.—In the case of a private marketing by a producer directly to a consumer through a retail or wholesale outlet or in the case of a marketing by the producer outside of the continental United States, the producer shall be responsible for the full amount of the assessment and shall remit the assessment by such time as is specified by the Secretary.

(4) LOAN PEANUTS.—In the case of peanuts that are pledged as collateral for a loan made under this section, ½ of the assessment shall be deducted from the proceeds of the loan. The remainder of the assessment shall be paid by the first purchaser of the peanuts. For purposes of computing net gains on peanuts under this section, the reduction in loan proceeds shall be treated as having been paid to the producer.

(5) PENALTIES.—If any person fails to collect or remit the reduction required by this subsection or fails to comply with the requirements for recordkeeping or otherwise as are required by the Secretary to carry out this subsection, the person shall be liable to the Secretary for a civil penalty up to an amount determined by multiplying—

(A) the quantity of peanuts involved in the violation; by

(B) the national average quota peanut rate for the applicable crop year.

(6) ENFORCEMENT.—The Secretary may enforce this subsection in the courts of the United States.

(h) CROPS.—Subsections (a) through (f) shall be effective only for the 1996 through 2002 crops of peanuts.

(i) MARKETING QUOTAS.—

(1) IN GENERAL.—Part VI of subtitle B of title III of the Agricultural Adjustment Act of 1938 is amended—

(A) in section 358–1 (7 U.S.C. 1358–1)—

(i) in the section heading, by striking ''**1991 THROUGH 1997 CROPS OF**'';

(ii) in subsections (a)(1), (b)(1)(B), (b)(2)(A), (b)(2)(C), and (b)(3)(A), by striking ''of the 1991 through 1997 marketing years'' each place it appears and inserting ''marketing year'';

(iii) in subsection (a)(3), by striking ''1990'' and inserting ''1990, for the 1991 through 1995

marketing years, and 1995, for the 1996 through 2002 marketing years'';

(iv) in subsection (b)(1)(A)—

(I) by striking ''each of the 1991 through 1997 marketing years'' and inserting ''each marketing year''; and

(II) in clause (i), by inserting before the semicolon the following: '', in the case of the 1991 through 1995 marketing years, and the 1995 marketing year, in the case of the 1996 through 2002 marketing years'';

(v) in subsection (b)(1), by adding at the end the following:

''(D) CERTAIN FARMS INELIGIBLE FOR QUOTA.—Effective beginning with the 1997 marketing year, the Secretary shall not establish a farm poundage quota under subparagraph (A) for a farm owned or controlled by—

''(i) a municipality, airport authority, school, college, refuge, or other public entity (other than a university used for research purposes); or

''(ii) a person who is not a producer and resides in another State.'';

(vi) in subsection (b)(2), by adding at the end the following:

''(E) TRANSFER OF QUOTA FROM INELIGIBLE FARMS.—Any farm poundage quota held at the end of the 1996 marketing year by a farm described in paragraph (1)(D) shall be allocated to other farms in the same State on such basis as the Secretary may by regulation prescribe.''; and

(vii) in subsection (f), by striking ''1997'' and inserting ''2002'';

(B) in section 358b (7 U.S.C. 1358b)—

(i) in the section heading, by striking ''**1991 THROUGH 1995 CROPS OF**''; and

(ii) in subsection (c), by striking ''1995'' and inserting ''2002'';

(C) in section 358c(d) (7 U.S.C. 1358c(d)), by striking ''1995'' and inserting ''2002''; and

(D) in section 358e (7 U.S.C. 1359a)—

(i) in the section heading, by striking ''**FOR 1991 THROUGH 1997 CROPS OF PEANUTS**''; and

(ii) in subsection (i), by striking ''1997'' and inserting ''2002''.

(2) ELIMINATION OF QUOTA FLOOR.—Section 358–1(a)(1) of the Act (7 U.S.C. 1358–1(a)(1)) is amended by striking the second sentence.

(3) TEMPORARY QUOTA ALLOCATION.—Section 358–1 of the Act (7 U.S.C. 1358–1) is amended—

(A) in subsection (a)(1), by striking ''domestic edible, seed,'' and inserting ''domestic edible use'';

(B) in subsection (b)(2)—

(i) in subparagraph (A), by striking ''subparagraph (B) and subject to''; and

(ii) by striking subparagraph (B) and inserting the following:

''(B) TEMPORARY QUOTA ALLOCATION.—

''(i) ALLOCATION RELATED TO SEED PEANUTS.—Temporary allocation of quota pounds for the marketing year only in which the crop is planted shall be made to producers for each of the 1996 through 2002 marketing years as provided in this subparagraph.

''(ii) QUANTITY.—The temporary quota allocation shall be equal to the pounds of seed peanuts planted on the farm, as may be adjusted under regulations prescribed by the Secretary.

''(iii) ADDITIONAL QUOTA.—The temporary allocation of quota pounds under this paragraph shall be in addition to the farm poundage quota otherwise established under this subsection and shall be credited, for the applicable marketing year only, in total to the producer of the peanuts on the farm in a manner prescribed by the Secretary.

''(iv) EFFECT OF OTHER REQUIREMENTS.—Nothing in this section alters or changes the requirements regarding the use of quota and additional peanuts established by section 358e(b).''; and

(C) in subsection (e)(3), strike ''and seed and use on a farm''.

(4) UNDERMARKETINGS.—Part VI of subtitle B of title III of the Act is amended—

(A) in section 358–1(b) (7 U.S.C. 1358–1(b))—

(i) in paragraph (1)(B), by striking ''including—'' and clauses (i) and (ii) and inserting ''including any increases resulting from the allocation of quotas voluntarily released for 1 year under paragraph (7).'';

(ii) in paragraph (3)(B), by striking ''include—'' and clauses (i) and (ii) and inserting ''include any increase resulting from the allocation of quotas voluntarily released for 1 year under paragraph (7).''; and

(iii) by striking paragraphs (8) and (9); and

(B) in section 358b(a) (7 U.S.C. 1358b(a))—

(i) in paragraph (1), by striking ''(including any applicable under marketings)'' both places it appears;

(ii) in paragraph (1)(A), by striking ''of undermarketings and'';

(iii) in paragraph (2), by striking ''(including any applicable under marketings)''; and

(iv) in paragraph (3), by striking ''(including any applicable undermarketings)''.

(5) DISASTER TRANSFERS.—Section 358–1(b) of the Act (7 U.S.C. 1358–1(b)), as amended by paragraph (4)(A)(iii), is further amended by adding at the end the following:

''(8) DISASTER TRANSFERS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), additional peanuts produced on a farm from which the quota poundage was not harvested and marketed because of drought, flood, or any other natural disaster, or any other condition beyond the control of the producer, may be transferred to the quota loan pool for pricing purposes on such basis as the Secretary shall by regulation provide.

''(B) LIMITATION.—The poundage of peanuts transferred under subparagraph (A) shall not exceed the difference between—

''(i) the total quantity of peanuts meeting quality requirements for domestic edible use, as determined by the Secretary, marketed from the farm; and

''(ii) the total farm poundage quota, excluding quota pounds transferred to the farm in the fall.

''(C) SUPPORT RATE.—Peanuts transferred under this paragraph shall be supported at not more than 70 percent of the quota support rate for the marketing years in which the transfers occur. The transfers for a farm shall not exceed 25 percent of the total farm quota pounds, excluding pounds transferred in the fall.''.

SEC. 107. SUGAR PROGRAM.

(a) SUGARCANE.—The Secretary shall make loans available to processors of domestically grown sugarcane at a rate equal to 18 cents per pound for raw cane sugar.

(b) SUGAR BEETS.—The Secretary shall make loans available to processors of domestically grown sugar beets at a rate equal to 22.9 cents per pound for refined beet sugar.

(c) TERM OF LOANS.—

(1) IN GENERAL.—Loans under this section during any fiscal year shall be made available not earlier than the beginning of the fiscal year and shall mature at the earlier of—

(A) the end of 9 months; or

(B) the end of the fiscal year.

(2) SUPPLEMENTAL LOANS.—In the case of loans made under this section in the last 3 months of a fiscal year, the processor may repledge the sugar as collateral for a second loan in the subsequent fiscal year, except that the second loan shall—

(A) be made at the loan rate in effect at the time the second loan is made; and

(B) mature in 9 months less the quantity of time that the first loan was in effect.

(d) LOAN TYPE; PROCESSOR ASSURANCES.—

(1) RECOURSE LOANS.—Subject to paragraph (2), the Secretary shall carry out this section through the use of recourse loans.

(2) NONRECOURSE LOANS.—During any fiscal year in which the tariff rate quota for imports of sugar into the United States is established at, or is increased to, a level in excess of 1,500,000 short tons raw value, the Secretary shall carry out this section by making available nonrecourse loans. Any recourse loan previously made available by the Secretary under this section during the fiscal year shall be changed by the Secretary into a nonrecourse loan.

(3) PROCESSOR ASSURANCES.—If the Secretary is required under paragraph (2) to make nonrecourse loans available during a fiscal year or to change recourse loans into nonrecourse loans, the Secretary shall obtain from each processor that receives a loan under this section such assurances as the Secretary considers adequate to ensure that the processor will provide payments to producers that are proportional to the value of the loan received by the processor for sugar beets and sugarcane delivered by producers served by the processor. The Secretary may establish appropriate minimum payments for purposes of this paragraph.

(e) MARKETING ASSESSMENT.—

(1) SUGARCANE.—Effective for marketings of raw cane sugar during the 1996 through 2003 fiscal years, the first processor of sugarcane shall remit to the Commodity Credit Corporation a nonrefundable marketing assessment in an amount equal to—

(A) in the case of marketings during fiscal year 1996, 1.1 percent of the loan rate established under subsection (a) per pound of raw cane sugar, processed by the processor from domestically produced sugarcane or sugarcane molasses, that has been marketed (including the transfer or delivery of the sugar to a refinery for further processing or marketing); and

(B) in the case of marketings during each of fiscal years 1997 through 2003, 1.375 percent of the loan rate established under subsection (a) per pound of raw cane sugar, processed by the processor from domestically produced sugarcane or sugarcane molasses, that has been marketed (including the transfer or delivery of the sugar to a refinery for further processing or marketing).

(2) SUGAR BEETS.—Effective for marketings of beet sugar during the 1996 through 2003 fiscal years, the first processor of sugar beets shall remit to the Commodity Credit Corporation a nonrefundable marketing assessment in an amount equal to—

(A) in the case of marketings during fiscal year 1996, 1.1794 percent of the loan rate established under subsection (a) per pound of beet sugar, processed by the processor from domestically produced sugar beets or sugar beet molasses, that has been marketed; and

(B) in the case of marketings during each of fiscal years 1997 through 2003, 1.47425 percent of the loan rate established under subsection (a) per pound of beet sugar, processed by the processor from domestically produced sugar beets or sugar beet molasses, that has been marketed.

(3) COLLECTION.—

(A) TIMING.—A marketing assessment required under this subsection shall be collected on a monthly basis and shall be remitted to the Commodity Credit Corporation not later than 30 days after the end of each month. Any cane sugar or beet sugar processed during a fiscal year that has not been marketed by September 30 of the year shall be subject to assessment on that date. The sugar shall not be subject to a second assessment at the time that it is marketed.

(B) MANNER.—Subject to subparagraph (A), marketing assessments shall be collected

under this subsection in the manner prescribed by the Secretary and shall be nonrefundable.

(4) PENALTIES.—If any person fails to remit the assessment required by this subsection or fails to comply with such requirements for recordkeeping or otherwise as are required by the Secretary to carry out this subsection, the person shall be liable to the Secretary for a civil penalty up to an amount determined by multiplying—

(A) the quantity of cane sugar or beet sugar involved in the violation; by

(B) the loan rate for the applicable crop of sugarcane or sugar beets.

(5) ENFORCEMENT.—The Secretary may enforce this subsection in a court of the United States.

(f) FORFEITURE PENALTY.—

(1) IN GENERAL.—A penalty shall be assessed on the forfeiture of any sugar pledged as collateral for a nonrecourse loan under this section.

(2) CANE SUGAR.—The penalty for cane sugar shall be 1 cent per pound.

(3) BEET SUGAR.—The penalty for beet sugar shall bear the same relation to the penalty for cane sugar as the marketing assessment for sugar beets bears to the marketing assessment for sugarcane.

(4) EFFECT OF FORFEITURE.—Any payments owed producers by a processor that forfeits of any sugar pledged as collateral for a nonrecourse loan shall be reduced in proportion to the loan forfeiture penalty incurred by the processor.

(g) INFORMATION REPORTING.—

(1) DUTY OF PROCESSORS AND REFINERS TO REPORT.—A sugarcane processor, cane sugar refiner, and sugar beet processor shall furnish the Secretary, on a monthly basis, such information as the Secretary may require to administer sugar programs, including the quantity of purchases of sugarcane, sugar beets, and sugar, and production, importation, distribution, and stock levels of sugar.

(2) PENALTY.—Any person willfully failing or refusing to furnish the information, or furnishing willfully any false information, shall be subject to a civil penalty of not more than $10,000 for each such violation.

(3) MONTHLY REPORTS.—Taking into consideration the information received under paragraph (1), the Secretary shall publish on a monthly basis composite data on production, imports, distribution, and stock levels of sugar.

(h) CROPS.—This section shall be effective only for the 1996 through 2002 crops of sugar beets and sugarcane.

SEC. 108. ADMINISTRATION.

(a) COMMODITY CREDIT CORPORATION.—

(1) USE OF CORPORATION.—The Secretary shall carry out this title through the Commodity Credit Corporation.

(2) SALARIES AND EXPENSES.—No funds of the Corporation shall be used for any salary or expense of any officer or employee of the Department of Agriculture.

(b) DETERMINATIONS BY SECRETARY.—A determination made by the Secretary under this title or the Agricultural Adjustment Act of 1938 (7 U.S.C. 1281 et seq.) shall be final and conclusive.

(c) REGULATIONS.—The Secretary may issue such regulations as the Secretary determines necessary to carry out this title.

SEC. 109. SUSPENSION AND REPEAL OF PERMANENT AUTHORITIES.

(a) AGRICULTURAL ADJUSTMENT ACT OF 1938.—

(1) IN GENERAL.—The following provisions of the Agricultural Adjustment Act of 1938 shall not be applicable to the 1996 through 2002 crops:

(A) Parts II through V of subtitle B of title III (7 U.S.C. 1326–1351).

(B) Subsections (a) through (j) of section 358 (7 U.S.C. 1358).

(C) Subsections (a) through (h) of section 358a (7 U.S.C. 1358a).

(D) Subsections (a), (b), (d), and (e) of section 358d (7 U.S.C. 1359).

(E) Part VII of subtitle B of title III (7 U.S.C. 1359aa–1359jj).

(F) In the case of peanuts, part I of subtitle C of title III (7 U.S.C. 1361–1368).

(G) In the case of upland cotton, section 377 (7 U.S.C. 1377).

(H) Subtitle D of title III (7 U.S.C. 1379a–1379j).

(I) Title IV (7 U.S.C. 1401–1407).

(2) REPORTS AND RECORDS.—Effective only for the 1996 through 2002 crops of peanuts, the first sentence of section 373(a) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1373(a)) is amended by inserting before ''all brokers and dealers in peanuts'' the following: ''all producers engaged in the production of peanuts,''.

(b) AGRICULTURAL ACT OF 1949.—

(1) SUSPENSIONS.—The following provisions of the Agricultural Act of 1949 shall not be applicable to the 1996 through 2002 crops:

(A) Section 101 (7 U.S.C. 1441).

(B) Section 103(a) (7 U.S.C. 1444(a)).

(C) Section 105 (7 U.S.C. 1444b).

(D) Section 107 (7 U.S.C. 1445a).

(E) Section 110 (7 U.S.C. 1445e).

(F) Section 112 (7 U.S.C. 1445g).

(G) Section 115 (7 U.S.C. 1445k).

(H) Title III (7 U.S.C. 1447–1449).

(I) Title IV (7 U.S.C. 1421–1433d), other than sections 404, 406, 412, 416, and 427 (7 U.S.C. 1424, 1426, 1429, 1431, and 1433f).

(J) Title V (7 U.S.C. 1461–1469).

(K) Title VI (7 U.S.C. 1471–1471j).

(2) REPEALS.—The following provisions of the Agricultural Act of 1949 are repealed:

(A) Section 103B (7 U.S.C. 1444–2).

(B) Section 108B (7 U.S.C. 1445c–3).

(C) Section 113 (7 U.S.C. 1445h).

(D) Section 114(b) (7 U.S.C. 1445j(b)).

(E) Sections 205, 206, and 207 (7 U.S.C. 1446f, 1446g, and 1446h).

(F) Section 406 (7 U.S.C. 1426).

(c) SUSPENSION OF CERTAIN QUOTA PROVISIONS.—The joint resolution entitled ''A joint resolution relating to corn and wheat marketing quotas under the Agricultural Adjustment Act of 1938, as amended'', approved May 26, 1941 (7 U.S.C. 1330 and 1340), shall not be applicable to the crops of wheat planted for harvest in the calendar years 1996 through 2002.

SEC. 110. EFFECT OF AMENDMENTS.

(a) EFFECT ON PRIOR CROPS.—Except as otherwise specifically provided and notwithstanding any other provision of law, this title and the amendments made by this title shall not affect the authority of the Secretary to carry out a price support or production adjustment program for any of the 1991 through 1995 crops of an agricultural commodity established under a provision of law in effect immediately before the date of the enactment of this Act.

(b) LIABILITY.—A provision of this title or an amendment made by this title shall not affect the liability of any person under any provision of law as in effect before the date of the enactment of this Act.

SEC. 111. DAIRY.

Subsection (h) of section 204 of the Agricultural Act of 1949 (7 U.S.C. 1446e) is amended to read as follows:

''(h) RESIDUAL AUTHORITY FOR REFUND OF BUDGET DEFICIT ASSESSMENTS.—

''(1) APPLICATION OF SUBSECTION.—This subsection shall apply with respect to the reductions made under this subsection, as in effect on the day before the date of the enactment of the Agricultural Market Transition Act, in the price of milk received by producers during the period beginning on January 1, 1996, and ending on the date of the enactment of such Act.

''(2) REFUND REQUIRED.—The Secretary shall provide a refund of the entire reduction made under this subsection, as in effect on the day before the date of the enactment of the Agricultural Market Transition Act, in the price of milk received by a producer during the period referred to in paragraph (1) if the producer provides evidence that the producer did not increase marketings in calendar year 1996 when compared to calendar year 1995.

''(3) TREATMENT OF REFUNDS.—A refund under this subsection shall not be considered as any type of price support or payment for purposes of sections 1211 and 1221 of the Food Security Act of 1985 (16 U.S.C. 3811, 3821).''.

TITLE II—AGRICULTURAL TRADE

Subtitle A—Market Promotion Program and Export Enhancement Program

SEC. 201. MARKET PROMOTION PROGRAM.

Effective as of October 1, 1995, section 211(c)(1) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641(c)(1)) is amended—

(1) by striking ''and'' after ''1991 through 1993,''; and

(2) by striking ''through 1997,'' and inserting ''through 1995, and not more than $100,000,000 for each of fiscal years 1996 through 2002,''.

SEC. 202. EXPORT ENHANCEMENT PROGRAM.

Effective as of October 1, 1995, section 301(e)(1) of the Agricultural Trade Act of 1978 (7 U.S.C. 5651(e)(1)) is amended to read as follows:

''(1) IN GENERAL.—The Commodity Credit Corporation shall make available to carry out the program established under this section not more than—

''(A) $350,000,000 for fiscal year 1996;

''(B) $350,000,000 for fiscal year 1997;

''(C) $500,000,000 for fiscal year 1998;

''(D) $550,000,000 for fiscal year 1999;

''(E) $579,000,000 for fiscal year 2000;

''(F) $478,000,000 for fiscal year 2001; and

''(G) $478,000,000 for fiscal year 2002.''.

Subtitle B—Amendments to Agricultural Trade Development and Assistance Act of 1954 and Related Statutes

SEC. 211. FOOD AID TO DEVELOPING COUNTRIES.

(a) IN GENERAL.—Section 3 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691a) is amended to read as follows:

''SEC. 3. FOOD AID TO DEVELOPING COUNTRIES.

''(a) POLICY.—In light of the Uruguay Round Agreement on Agriculture and the Ministerial Decision on Measures Concerning the Possible Negative Effects of the Reform Program on Least-Developed and Net-Food Importing Developing Countries, the United States reaffirms the commitment of the United States to providing food aid to developing countries.

''(b) SENSE OF CONGRESS.—It is the sense of Congress that—

''(1) the President should initiate consultations with other donor nations to consider appropriate levels of food aid commitments to meet the legitimate needs of developing countries;

''(2) the United States should increase its contribution of bona fide food assistance to developing countries consistent with the Agreement on Agriculture.''.

(b) CONFORMING AMENDMENT.—Section 411 of the Uruguay Round Agreements Act (19 U.S.C. 3611) is amended by striking subsection (e).

SEC. 212. TRADE AND DEVELOPMENT ASSISTANCE.

Section 101 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1701) is amended—

(1) by striking ''developing countries'' each place it appears and inserting ''developing countries and private entities''; and

(2) in subsection (b), by inserting ''and entities'' before the period at the end.

SEC. 213. AGREEMENTS REGARDING ELIGIBLE COUNTRIES AND PRIVATE ENTITIES.

Section 102 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1702) is amended to read as follows:

''SEC. 102. AGREEMENTS REGARDING ELIGIBLE COUNTRIES AND PRIVATE ENTITIES.

''(a) PRIORITY.—In selecting agreements to be entered into under this title, the Secretary shall give priority to agreements providing for the export of agricultural commodities to developing countries that—

''(1) have the demonstrated potential to become commercial markets for competitively priced United States agricultural commodities;

''(2) are undertaking measures for economic development purposes to improve food security and agricultural development, alleviate poverty, and promote broad-based equitable and sustainable development; and

''(3) demonstrate the greatest need for food.

''(b) PRIVATE ENTITIES.—An agreement entered into under this title with a private entity shall require such security, or such other provisions as the Secretary determines necessary, to provide reasonable and adequate assurance of repayment of the financing extended to the private entity.

''(c) AGRICULTURAL MARKET DEVELOPMENT PLAN.—

''(1) DEFINITION OF AGRICULTURAL TRADE ORGANIZATION.—In this subsection, the term 'agricultural trade organization' means a United States agricultural trade organization that promotes the export and sale of a United States agricultural commodity and that does not stand to profit directly from the specific sale of the commodity.

''(2) AN.—The Secretary shall consider a developing country for which an agricultural market development plan has been approved under this subsection to have the demonstrated potential to become a commercial market for competitively priced United States agricultural commodities for the purpose of granting a priority under subsection (a).

''(3) REQUIREMENTS.—

'(A) IN GENERAL.—To be approved by the Secretary, an agricultural market development plan shall—

''(i) be submitted by a developing country or private entity, in conjunction with an agricultural trade organization;

''(ii) describe a project or program for the development and expansion of a United States agricultural commodity market in a developing country, and the economic development of the country, using funds derived from the sale of agricultural commodities received under an agreement described in section 101;

''(iii) provide for any matching funds that are required by the Secretary for the project or program;

''(iv) provide for a results-oriented means of measuring the success of the project or program; and

''(v) provide for graduation to the use of non-Federal funds to carry out the project or program, consistent with requirements established by the Secretary.

''(B) AGRICULTURAL TRADE ORGANIZATION.—The project or program shall be designed and carried out by the agricultural trade organization.

''(C) ADDITIONAL REQUIREMENTS.—An agricultural market development plan shall contain such additional requirements as are determined necessary by the Secretary.

''(4) ADMINISTRATIVE COSTS.—

''(A) IN GENERAL.—The Secretary shall make funds made available to carry out this title available for the reimbursement of administrative expenses incurred by agricultural trade organizations in developing, implementing, and administering agricultural market development plans, subject to such requirements and in such amounts as the Secretary considers appropriate.

''(B) DURATION.—The funds shall be made available to agricultural trade organizations for the duration of the applicable agricultural market development plan.

''(C) TERMINATION.—The Secretary may terminate assistance made available under this subsection if the agricultural trade organization is not carrying out the approved agricultural market development plan.''.

SEC. 214. TERMS AND CONDITIONS OF SALES.

Section 103 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1703) is amended—

(1) in subsection (a)(2)(A)—

(A) by striking ''a recipient country to make''; and

(B) by striking ''such country'' and inserting ''the appropriate country'';

(2) in subsection (c), by striking ''less than 10 nor''; and

(3) in subsection (d)—

(A) by striking ''recipient country'' and inserting ''developing country or private entity''; and

(B) by striking ''7'' and inserting ''5''.

SEC. 215. USE OF LOCAL CURRENCY PAYMENT.

Section 104 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1704) is amended—

(1) in subsection (a), by striking ''recipient country'' and inserting ''developing country or private entity''; and

(2) in subsection (c)—

(A) by striking ''recipient country'' each place it appears and inserting ''appropriate developing country''; and

(B) in paragraph (3), by striking ''recipient countries'' and inserting ''appropriate developing countries''.

SEC. 216. ELIGIBLE ORGANIZATIONS.

Section 202 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1722) is amended—

(1) by striking subsection (b) and inserting the following:

''(b) NONEMERGENCY ASSISTANCE.—

''(1) IN GENERAL.—The Administrator may provide agricultural commodities for nonemergency assistance under this title through eligible organizations (as described in subsection (d)) that have entered into an agreement with the Administrator to use the commodities in accordance with this title.

''(2) LIMITATION.—The Administrator may not deny a request for funds or commodities submitted under this subsection because the program for which the funds or commodities are requested—

''(A) would be carried out by the eligible organization in a foreign country in which the Agency for International Development does not have a mission, office, or other presence; or

''(B) is not part of a development plan for the country prepared by the Agency.''; and

(2) in subsection (e)—

(A) in the subsection heading, by striking ''PRIVATE VOLUNTARY ORGANIZATIONS AND COOPERATIVES'' and inserting ''ELIGIBLE ORGANIZATIONS'';

(B) in paragraph (1)—

(i) by striking ''$13,500,000'' and inserting ''$28,000,000''; and

(ii) by striking ''private voluntary organizations and cooperatives to assist such organizations and cooperatives'' and inserting ''eligible organizations described in subsection (d), to assist the organizations'';

(C) in paragraph (3), by striking ''a private voluntary organization or cooperative, the Administrator may provide assistance to that organization or cooperative'' and inserting ''an eligible organization, the Administrator may provide assistance to the eligible organization''.

SEC. 217. GENERATION AND USE OF FOREIGN CURRENCIES.

Section 203 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1723) is amended—

(1) in subsection (a), by inserting '', or in a country in the same region,'' after ''in the recipient country'';

(2) in subsection (b)—

(A) by inserting ''or in countries in the same region,'' after ''in recipient countries,''; and

(B) by striking ''10 percent'' and inserting ''15 percent'';

(3) in subsection (c), by inserting ''or in a country in the same region,'' after ''in the recipient country,''; and

(4) in subsection (d)(2), by inserting ''or within a country in the same region'' after ''within the recipient country''.

SEC. 218. GENERAL LEVELS OF ASSISTANCE UNDER PUBLIC LAW 480.

Section 204(a) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1724(a)) is amended—

(1) in paragraph (1), by striking ''amount that'' and all that follows through the period at the end and inserting ''amount that for each of fiscal years 1996 through 2002 is not less than 2,025,000 metric tons.'';

(2) in paragraph (2), by striking ''amount that'' and all that follows through the period at the end and inserting ''amount that for each of fiscal years 1996 through 2002 is not less than 1,550,000 metric tons.''; and

(3) in paragraph (3), by adding at the end the following: ''No waiver shall be made before the beginning of the applicable fiscal year.''.

SEC. 219. FOOD AID CONSULTATIVE GROUP.

Section 205 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1725) is amended—

(1) in subsection (a), by striking ''private voluntary organizations, cooperatives and indigenous non-governmental organizations'' and inserting ''eligible organizations described in section 202(d)(1)'';

(2) in subsection (b)—

(A) in paragraph (2), by striking ''for International Affairs and Commodity Programs'' and inserting ''of Agriculture for Farm and Foreign Agricultural Services'';

(B) in paragraph (4), by striking ''and'' at the end;

(C) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(6) representatives from agricultural producer groups in the United States.'';

(3) in the second sentence of subsection (d), by inserting ''(but at least twice per year)'' after ''when appropriate''; and

(4) in subsection (f), by striking ''1995'' and inserting ''2002''.

SEC. 220. SUPPORT OF NONGOVERNMENTAL ORGANIZATIONS.

(a) IN GENERAL.—Section 306(b) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1727e(b)) is amended—

(1) in the subsection heading, by striking ''INDIGENOUS NON-GOVERNMENTAL'' and inserting ''NONGOVERNMENTAL''; and

(2) by striking ''utilization of indigenous'' and inserting ''utilization of''.

(b) CONFORMING AMENDMENT.—Section 402 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1732) is amended by striking paragraph (6) and inserting the following:

''(6) NONGOVERNMENTAL ORGANIZATION.—The term 'nongovernmental organization' means an organization that works at the local level to solve development problems in a foreign country in which the organization is located, except that the term does not include an organization that is primarily an agency or instrumentality of the government of the foreign country.''.

SEC. 221. COMMODITY DETERMINATIONS.

Section 401 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1731) is amended—

(1) by striking subsections (a) through (d) and inserting the following:

''(a) AVAILABILITY OF COMMODITIES.—No agricultural commodity shall be available for disposition under this Act if the Secretary determines that the disposition would reduce the domestic supply of the commodity below the supply needed to meet domestic requirements and provide adequate carryover (as determined by the Secretary), unless the Secretary determines that some part of the supply should be used to carry out urgent humanitarian purposes under this Act.'';

(2) by redesignating subsections (e) and (f) as subsections (b) and (c), respectively; and

(3) in subsection (c) (as so redesignated), by striking ''(e)(1)'' and inserting ''(b)(1)''.

SEC. 222. GENERAL PROVISIONS.

Section 403 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1733) is amended—

(1) in subsection (b)—

(A) in the subsection heading, by striking ''CONSULTATIONS'' and inserting ''IMPACT ON LOCAL FARMERS AND ECONOMY''; and

(B) by striking ''consult with'' and all that follows through ''other donor organizations to'';

(2) in subsection (c)—

(A) by striking ''from countries''; and

(B) by striking ''for use'' and inserting ''or use'';

(3) in subsection (f)—

(A) by inserting ''or private entities, as appropriate,'' after ''from countries''; and

(B) by inserting ''or private entities'' after ''such countries''; and

(4) in subsection (i)(2), by striking subparagraph (C).

SEC. 223. AGREEMENTS.

Section 404 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1734) is amended—

(1) in subsection (a), by inserting ''with foreign countries'' after ''Before entering into agreements'';

(2) in subsection (b)(2)—

(A) by inserting ''with foreign countries'' after ''with respect to agreements entered into''; and

(B) by inserting before the semicolon at the end the following: ''and broad-based economic growth''; and

(3) in subsection (c), by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—Agreements to provide assistance on a multi-year basis to recipient countries or to eligible organizations—

''(A) may be made available under titles I and III; and

''(B) shall be made available under title II.''.

SEC. 224. ADMINISTRATIVE PROVISIONS.

Section 407 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736a) is amended—

(1) in subsection (a)—

(A) in paragraph(1), by inserting ''or private entity that enters into an agreement under title I'' after ''importing country''; and

(B) in paragraph (2), by adding at the end the following: ''Resulting contracts may contain such terms and conditions as the Secretary determines are necessary and appropriate.'';

(2) in subsection (c)—

(A) in paragraph (1)(A), by inserting ''importer or'' before ''importing country''; and

(B) in paragraph (2)(A), by inserting ''importer or'' before ''importing country'';

(3) in subsection (d)—

(A) by striking paragraph (2) and inserting the following:

''(2) FREIGHT PROCUREMENT.—Notwithstanding the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) or other similar provisions of law relating to the making or performance of Federal Government contracts, ocean transportation under titles II and III may be procured on the basis of such full and open competitive procedures. Resulting contracts may contain such terms and conditions, as the Administrator determines are necessary and appropriate.''; and

(B) by striking paragraph (4);

(4) in subsection (g)(2)—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(D) an assessment of the progress towards achieving food security in each country receiving food assistance from the United States Government, with special emphasis on the nutritional status of the poorest populations in each country.''; and

(5) by striking subsection (h).

SEC. 225. EXPIRATION DATE.

Section 408 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736b) is amended by striking ''1995'' and inserting ''2002''.

SEC. 226. REGULATIONS.

Section 409 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736c) is repealed.

SEC. 227. INDEPENDENT EVALUATION OF PROGRAMS.

Section 410 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736d) is repealed.

SEC. 228. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 412 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736f) is amended—

(1) by striking subsections (b) and (c) and inserting the following:

''(b) TRANSFER OF FUNDS.—Notwithstanding any other provision of law, the President may direct that—

''(1) up to 15 percent of the funds available for any fiscal year for carrying out title I or III of this Act be used to carry out any other title of this Act; and

''(2) up to 100 percent of funds available for title III be used to carry out title II.''; and

(2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(b) RELATION TO OTHER WAIVER.—Section 204(a)(3) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1724(a)(3)) is amended by inserting ''all authority to transfer from title I under section 412 has been exercised with respect to that fiscal year and'' after ''any fiscal year if''.

SEC. 229. COORDINATION OF FOREIGN ASSISTANCE PROGRAMS.

Section 413 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736g) is amended by inserting ''title III of'' before ''this Act'' each place it appears.

SEC. 230. USE OF CERTAIN LOCAL CURRENCY.

Title IV of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1731 et seq.) (as amended by section 222) is further amended by adding at the end the following:

''SEC. 416. USE OF CERTAIN LOCAL CURRENCY.

''Local currency payments received by the United States pursuant to agreements entered into under title I (as in effect on November 27, 1990) may be utilized by the Secretary in accordance with section 108 (as in effect on November 27, 1990).''.

SEC. 231. LEVEL OF ASSISTANCE TO FARMER TO FARMER PROGRAM.

Section 501(c) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1737(c)) is amended—

(1) by striking ''0.2'' and inserting ''0.4'';

(2) by striking ''0.1'' and inserting ''0.2''; and

(3) by striking ''1991 through 1995'' and inserting ''1996 through 2002''.

SEC. 232. FOOD SECURITY COMMODITY RESERVE.

(a) FOOD SECURITY COMMODITY RESERVE ACT OF 1995.—The title heading of title III of the Agricultural Act of 1980 (7 U.S.C. 1736f–1 note) is amended by striking ''**FOOD SECURITY WHEAT RESERVE ACT OF 1980**'' and inserting ''**FOOD SECURITY COMMODITY RESERVE ACT OF 1995**''.

(b) SHORT TITLE.—Section 301 of the Act (7 U.S.C. 1736f–1 note) is amended by striking ''Food Security Wheat Reserve Act of 1980'' and inserting ''Food Security Commodity Reserve Act of 1995''.

(c) IN GENERAL.—Section 302 of the Act (7 U.S.C. 1736f–1) is amended—

(1) in the section heading, by striking ''**FOOD SECURITY WHEAT RESERVE**'' and inserting ''**FOOD SECURITY COMMODITY RESERVE**'';

(2) so that subsection (a) reads as follows:

''(a) IN GENERAL.—To provide for a reserve solely to meet emergency humanitarian food needs in developing countries, the Secretary shall establish a reserve stock of wheat, rice, corn, or sorghum, or any combination of the commodities, totaling not more than 4,000,000 metric tons for use as described in subsection (c).'';

(3) so that subsection (b)(1) reads as follows:

''(b) COMMODITIES IN RESERVE.—

''(1) IN GENERAL.—The reserve established under this section shall consist of—

''(A) wheat in the reserve established under the Food Security Commodity Reserve Act of 1980 as of the date of enactment of the Food For Peace Reauthorization Act of 1995;

''(B) wheat, rice, corn, and sorghum (referred to in this section as 'eligible commodities') acquired in accordance with paragraph (2) to replenish eligible commodities released from the reserve, including wheat to replenish wheat released from the reserve established under the Food Security Wheat Reserve Act of 1980 but not replenished as of the date of enactment of the Food For Peace Reauthorization Act of 1995; and

''(C) such rice, corn, and sorghum as the Secretary of Agriculture (referred to in this section as the 'Secretary') may, at such time and in such manner as the Secretary determines appropriate, acquire as a result of exchanging an equivalent value of wheat in the reserve established under this section.'';

(4) in subsection (b)(2)—

(A) by striking ''(2)(A) Subject to'' and inserting the following:

''(2) REPLENISHMENT OF RESERVE.—

''(A) IN GENERAL.—Subject to'';

(B) in subparagraph (A)—

(i) by striking ''(i) of this section stocks of wheat'' and inserting ''(i) stocks of eligible commodities'';

(ii) in clause (ii), by striking ''stocks of wheat'' and inserting ''stocks of eligible commodities''; and

(iii) in the second sentence, by striking ''wheat'' and inserting ''eligible commodities''; and

(C) in subparagraph (B)—

(i) by striking ''(B) Not later'' and inserting ''(B) TIME FOR REPLENISHMENT OF RESERVE.—Not later''; and

(ii) in clause (ii), by striking ''wheat'' and inserting ''eligible commodities'';

(5) so that subsections (c) through (f) read as follows:

''(c) RELEASE OF ELIGIBLE COMMODITIES.—

''(1) DETERMINATION.—If the Secretary determines that the amount of commodities allocated for minimum assistance under section 204(a)(1) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1724(a)(1)) less the amount of commodities allocated for minimum non-emergency assistance under section 204(a)(2) of the Act (7 U.S.C. 1724(a)(2)) will be insufficient to meet the need for commodities for emergency assistance under section 202(a) of the Act (7 U.S.C. 1722(a)), the Secretary in any fiscal year may release from the reserve—

''(A) up to 500,000 metric tons of wheat or the equivalent value of eligible commodities other than wheat; and

''(B) any eligible commodities which under subparagraph (A) could have been released but were not released in prior fiscal years.

''(2) AVAILABILITY OF COMMODITIES.—Commodities released under paragraph (1) shall be made available under title II of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1721 et seq.) for emergency assistance.

''(3) EXCHANGE.—The Secretary may exchange an eligible commodity for another United States commodity of equal value, including powdered milk, pulses, and vegetable oil.

''(4) USE OF NORMAL COMMERCIAL PRACTICES.—To the maximum extend practicable consistent with the fulfillment of the purposes of this section and the effective and efficient administration of this section, the Secretary shall use the usual and customary channels, facilities, arrangements, and practices of the trade and commerce.

''(5) WAIVER OF MINIMUM TONNAGE REQUIREMENTS.—Nothing in this subsection shall require the exercise of the waiver under section 204(a)(3) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1724(a)(3)) as a prerequisite for the release of eligible commodities under this subsection.

''(d) TRANSPORTATION AND HANDLING COSTS.—

''(1) IN GENERAL.—The cost of transportation and handling of eligible commodities released from the reserve established under this section shall be paid by the Commodity Credit Corporation in accordance with section 406 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736).

''(2) REIMBURSEMENT.—

''(A) IN GENERAL.—The Commodity Credit Corporation shall be reimbursed for the costs incurred under paragraph (1) from the funds made available to carry out the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.).

''(B) BASIS FOR REIMBURSEMENT.—The reimbursement shall be made on the basis of the lesser of the actual cost incurred by the Commodity Credit Corporation less any savings achieved as a result of decreased storage and handling costs for the reserve.

''(C) DECREASED STORAGE AND HANDLING COSTS.—For purposes of this subsection, 'decreased storage and handling costs' shall mean the total actual costs for storage and handling incurred by the Commodity Credit Corporation for the reserve established under title III of the Agricultural Act of 1980 in fiscal year 1995 less the total actual costs for storage and handling incurred by the Corporation for the reserve established under this Act in the fiscal year for which the savings are calculated.

''(e) MANAGEMENT OF RESERVE.—The Secretary shall provide for—

''(1) the management of eligible commodities in the reserve as to location and quality of commodities needed to meet emergency situations; and

''(2) the periodic rotation of eligible commodities in the reserve to avoid spoilage and deterioration of such stocks.

''(f) TREATMENT OF RESERVE UNDER OTHER LAW.—Eligible commodities in the reserve established under this section shall not be—

''(1) considered a part of the total domestic supply (including carryover) for the purpose of administering the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.); and

''(2) subject to any quantitative limitation on exports that may be imposed under section 7 of the Export Administration Act of 1979 (50 U.S.C. App. 2406).'';

(6) in subsection (g)—

(A) by striking ''(g)(1) The'' and inserting the following:

''(g) USE OF COMMODITY CREDIT CORPORATION.—The'';

(B) by striking ''wheat'' and inserting ''an eligible commodity''; and

(C) by striking paragraph (2);

(7) in subsection (h)—

(A) by striking ''(h) Any'' and inserting:

''(h) FINALITY OF DETERMINATION.—Any''; and

(B) by striking ''President or the Secretary of Agriculture'' and inserting ''Secretary''; and

(8) in subsection (i)—

(A) by striking ''(i) The'' and inserting:

''(i) TERMINATION OF AUTHORITY.—The'';

(B) by striking ''wheat'' each place it appears and inserting ''eligible commodities''; and

(C) by striking ''1995'' each place it appears and inserting ''2002''.

(d) EFFECTIVE DATE.—Section 303 of the Act (7 U.S.C. 1736–1 note) is amended by striking ''October 1, 1980'' and all that follows through the end of the section and inserting ''on the date of enactment of this Act.''.

(e) CONFORMING AMENDMENT.—Section 208(d)(2) of the Agriculture Trade Suspension Adjustment Act of 1980 (7 U.S.C. 4001(d)(2)) is amended to read as follows:

''(2) APPLICABILITY OF CERTAIN PROVISIONS.—Subsections (b)(2), (c), (e), and (f) of section 302 of the Food Security Commodity Reserve Act of 1995 shall apply to commodities in any reserve established under paragraph (1), except that the references to 'eligible commodities' in the subsections shall be deemed to be references to 'agricultural commodities'.''.

SEC. 233. FOOD FOR PROGRESS PROGRAM.

The Food for Progress Act of 1985 (7 U.S.C. 1736o) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by striking ''(b)(1)'' and inserting ''(b)''; and

(ii) in the first sentence, by inserting ''intergovernmental organizations'' after ''cooperatives''; and

(B) by striking paragraph (2);

(2) in subsection (e)(4), by striking ''203'' and inserting ''406'';

(3) in subsection (f)—

(A) in paragraph (1), by striking ''in the case of the independent states of the former Soviet Union,'';

(B) by striking paragraph (2);

(C) in paragraph (4), by inserting ''in each of fiscal years 1996 through 2002'' after ''may be used''; and

(D) by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively;

(4) in subsection (g), by striking ''1995'' and inserting ''2002'';

(5) in subsection (j), by striking ''shall'' and inserting ''may'';

(6) in subsection (k), by striking ''1995'' and inserting ''2002'';

(7) in subsection (l)(1)—

(A) by striking ''1991 through 1995'' and inserting ''1996 through 2002''; and

(B) by inserting '', and to provide technical assistance for monetization programs,'' after ''monitoring of food assistance programs''; and

(8) in subsection (m)—

(A) by striking ''with respect to the independent states of the former Soviet Union'';

(B) by striking ''private voluntary organizations and cooperatives'' each place it appears and inserting ''agricultural trade organizations, intergovernmental organizations, private voluntary organizations, and cooperatives''; and

(C) in paragraph (2), by striking ''in the independent states''.

Subtitle C—Amendments to Agricultural Trade Act of 1978

SEC. 251. AGRICULTURAL EXPORT PROMOTION STRATEGY.

(a) IN GENERAL.—Section 103 of the Agricultural Trade Act of 1978 (7 U.S.C. 5603) is amended to read as follows:

''SEC. 103. AGRICULTURAL EXPORT PROMOTION STRATEGY.

''(a) IN GENERAL.—The Secretary shall develop a strategy for implementing Federal agricultural export promotion programs that takes into account the new market opportunities for agricultural products, including opportunities that result from—

''(1) the North American Free Trade Agreement and the Uruguay Round Agreements;

''(2) any accession to membership in the World Trade Organization;

''(3) the continued economic growth in the Pacific Rim; and

''(4) other developments.

''(b) PURPOSE OF STRATEGY.—The strategy developed under subsection (a) shall encourage the maintenance, development, and expansion of export markets for United States agricultural commodities and related products, including high-value and value-added products.

''(c) GOALS OF STRATEGY.—The strategy developed under subsection (a) shall have the following goals:

''(1) By September 30, 2002, increasing the value of annual United States agricultural exports to $60,000,000,000.

''(2) By September 30, 2002, increasing the United States share of world export trade in agricultural products significantly above the average United States share from 1993 through 1995.

''(3) By September 30, 2002, increasing the United States share of world trade in high-value agricultural products to 20 percent.

''(4) Ensuring that the value of United States exports of agricultural products increases at a faster rate than the rate of increase in the value of overall world export trade in agricultural products.

''(5) Ensuring that the value of United States exports of high-value agricultural products increases at a faster rate than the rate of increase in overall world export trade in high-value agricultural products.

''(6) Ensuring to the extent practicable that—

''(A) substantially all obligations undertaken in the Uruguay Round Agreement on Agriculture that provide significantly increased access for United States agricultural commodities are implemented to the extent required by the Uruguay Round Agreements; or

''(B) applicable United States trade laws are used to secure United States rights under the Uruguay Round Agreement on Agriculture.

''(d) PRIORITY MARKETS.—

''(1) IDENTIFICATION OF MARKETS.—In developing the strategy required under subsection (a), the Secretary shall identify as priority markets—

''(A) those markets in which imports of agricultural products show the greatest potential for increase by September 30, 2002; and

''(B) those markets in which, with the assistance of Federal export promotion programs, exports of United States agricultural products show the greatest potential for increase by September 30, 2002.

''(2) IDENTIFICATION OF SUPPORTING OFFICES.—The President shall identify annually in the budget of the United States Government submitted under section 1105 of title 31, United States Code, each overseas office of the Foreign Agricultural Service that provides assistance to United States exporters in each of the priority markets identified under paragraph (1).

''(e) REPORT.—Not later than December 31, 2001, the Secretary shall prepare and submit a report to Congress assessing progress in meeting the goals established by subsection (c).

''(f) FAILURE TO MEET GOALS.—Notwithstanding any other law, if the Secretary determines that more than 2 of the goals established by subsection (c) are not met by September 30, 2002, the Secretary may not carry out agricultural trade programs under the Agricultural Trade Act of 1978 (7 U.S.C. 5601 et seq.) as of that date.

''(g) NO PRIVATE RIGHT OF ACTION.—This section shall not create any private right of action.''.

(b) CONTINUATION OF FUNDING.—

(1) IN GENERAL.—If the Secretary of Agriculture makes a determination under section 103(f) of the Agricultural Trade Act of 1978 (as amended by subsection (a)), the Secretary shall utilize funds of the Commodity Credit Corporation to promote United States agricultural exports in a manner consistent with the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.) and obligations pursuant to the Uruguay Round Agreements.

(2) FUNDING.—The amount of Commodity Credit Corporation funds used to carry out paragraph (1) during a fiscal year shall not exceed the total outlays for agricultural trade programs under the Agricultural Trade Act of 1978 (7 U.S.C. 5601 et seq.) during fiscal year 2002.

(c) ELIMINATION OF REPORT.—

(1) IN GENERAL.—Section 601 of the Agricultural Trade Act of 1978 (7 U.S.C. 5711) is repealed.

(2) CONFORMING AMENDMENT.—The last sentence of section 603 of the Agricultural Trade Act of 1978 (7 U.S.C. 5713) is amended by striking '', in a consolidated report,'' and all that follows through ''section 601'' and inserting ''or in a consolidated report''.

SEC. 252. EXPORT CREDITS.

(a) EXPORT CREDIT GUARANTEE PROGRAM.—Section 202 of the Agricultural Trade Act of 1978 (7 U.S.C. 5622) is amended—

(1) in subsection (a)—

(A) by striking ''GUARANTEES.—The'' and inserting the following: ''GUARANTEES.—

''(1) IN GENERAL.—The''; and

(B) by adding at the end the following:

''(2) SUPPLIER CREDITS.—In carrying out this section, the Commodity Credit Corporation may issue guarantees for the repayment of credit made available for a period of not more than 180 days by a United States exporter to a buyer in a foreign country.'';

(2) in subsection (f)—

(A) by striking ''(f) RESTRICTIONS.—The'' and inserting the following:

''(f) RESTRICTIONS.—

''(1) IN GENERAL.—The''; and

(B) by adding at the end the following:

''(2) CRITERIA FOR DETERMINATION.—In making the determination required under paragraph (1) with respect to credit guarantees under subsection (b) for a country, the Secretary may consider, in addition to financial, macroeconomic, and monetary indicators—

''(A) whether an International Monetary Fund standby agreement, Paris Club rescheduling plan, or other economic restructuring plan is in place with respect to the country;

''(B) the convertibility of the currency of the country;

''(C) whether the country provides adequate legal protection for foreign investments;

''(D) whether the country has viable financial markets;

''(E) whether the country provides adequate legal protection for the private property rights of citizens of the country; and

''(F) any other factors that are relevant to the ability of the country to service the debt of the country.'';

(3) by striking subsection (h) and inserting the following:

''(h) UNITED STATES AGRICULTURAL COMPONENTS.—The Commodity Credit Corporation shall finance or guarantee under this section only United States agricultural commodities.'';

(4) in subsection (i)—

(A) by striking ''INSTITUTIONS.—A financial'' and inserting the following: ''INSTITUTIONS.—

''(1) IN GENERAL.—A financial'';

(B) by striking paragraph (1);

(C) by striking ''(2) is'' and inserting the following:

''(A) is'';

(D) by striking ''(3) is'' and inserting the following:

''(B) is''; and

(E) by adding at the end the following:

''(2) THIRD COUNTRY BANKS.—The Commodity Credit Corporation may guarantee under subsections (a) and (b) the repayment of credit made available to finance an export sale irrespective of whether the obligor is located in the country to which the export sale is destined.''; and

(5) by striking subsection (k) and inserting the following:

''(k) PROCESSED AND HIGH-VALUE PRODUCTS.—

''(1) IN GENERAL.—In issuing export credit guarantees under this section, the Commodity Credit Corporation shall, subject to paragraph (2), ensure that not less than 25 percent for each of fiscal years 1996 and 1997, 30 percent for each of fiscal years 1998 and 1999, and 35 percent for each of fiscal years 2000, 2001, and 2002, of the total amount of credit guarantees issued for a fiscal year is issued to promote the export of processed or high-value agricultural products and that the balance is issued to promote the export of bulk or raw agricultural commodities.

''(2) LIMITATION.—The percentage requirement of paragraph (1) shall apply for a fiscal year to the extent that a reduction in the total amount of credit guarantees issued for the fiscal year is not required to meet the percentage requirement.''.

(b) FUNDING LEVELS.—Section 211(b) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641(b)) is amended—

(1) by striking paragraph (2);

(2) by redesignating subparagraph (B) of paragraph (1) as paragraph (2) and indenting the margin of paragraph (2) (as so redesignated) so as to align with the margin of paragraph (1); and

(3) by striking paragraph (1) and inserting the following:

''(1) EXPORT CREDIT GUARANTEES.—The Commodity Credit Corporation shall make available for each of fiscal years 1996 through 2002 not less than $5,500,000,000 in credit guarantees under subsections (a) and (b) of section 202.''.

(c) DEFINITIONS.—Section 102(7) of the Agricultural Trade Act of 1978 (7 U.S.C. 5602(7)) is amended by striking subparagraphs (A) and (B) and inserting the following:

''(A) an agricultural commodity or product entirely produced in the United States; or

''(B) a product of an agricultural commodity—

''(i) 90 percent or more of the agricultural components of which by weight, excluding packaging and added water, is entirely produced in the United States; and

''(ii) that the Secretary determines to be a United States high value agricultural product.''.

(d) REGULATIONS.—Not later than 180 days after the effective date of this title, the Secretary of Agriculture shall issue regulations to carry out the amendments made by this section.

SEC. 253. EXPORT PROGRAM AND FOOD ASSISTANCE TRANSFER AUTHORITY.

The Secretary of Agriculture shall fully utilize and aggressively implement the full range of agricultural export programs authorized in this Act and any other Act, in any combination, to help United States agriculture maintain and expand export markets, promote United States agricultural commodity and product exports, counter subsidized foreign competition, and capitalize on potential new market opportunities. Consistent with United States obligations under GATT, if the Secretary determines that funds available under 1 or more export subsidy programs cannot be fully or effectively utilized for such programs, the Secretary may utilize such funds for other authorized agricultural export and food assistance programs to achieve the above objectives and to further enhance the overall global competitiveness of United States agriculture. Funds so utilized shall be in addition to funds which may otherwise be authorized or appropriated for such other agricultural export programs.

SEC. 254. ARRIVAL CERTIFICATION.

Section 401 of the Agricultural Trade Act of 1978 (7 U.S.C. 5662(a)) is amended by striking subsection (a) and inserting the following:

''(a) ARRIVAL CERTIFICATION.—With respect to a commodity provided, or for which financing or a credit guarantee or other assistance is made available, under a program authorized in section 201, 202, or 301, the Commodity Credit Corporation shall require the exporter of the commodity to maintain records of an official or customary commercial nature or other documents as the Secretary may require, and shall allow representatives of the Commodity Credit Corporation access to the records or documents as needed, to verify the arrival of the commodity in the country that was the intended destination of the commodity.''.

SEC. 255. REGULATIONS.

Section 404 of the Agricultural Trade Act of 1978 (7 U.S.C. 5664) is repealed.

SEC. 256. FOREIGN AGRICULTURAL SERVICE.

Section 503 of the Agricultural Trade Act of 1978 (7 U.S.C. 5693) is amended to read as follows:

''SEC. 503. ESTABLISHMENT OF THE FOREIGN AGRICULTURAL SERVICE.

''The Service shall assist the Secretary in carrying out the agricultural trade policy and international cooperation policy of the United States by—

''(1) acquiring information pertaining to agricultural trade;

''(2) carrying out market promotion and development activities;

''(3) providing agricultural technical assistance and training; and

''(4) carrying out the programs authorized under this Act, the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.), and other Acts.''.

SEC. 257. REPORTS.

The first sentence of section 603 of the Agricultural Trade Act of 1978 (7 U.S.C. 5713) is amended by striking ''The'' and inserting ''Subject to section 217 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6917), the''.

Subtitle D—Miscellaneous

SEC. 271. REPORTING REQUIREMENTS RELATING TO TOBACCO.

Section 214 of the Tobacco Adjustment Act of 1983 (7 U.S.C. 509) is repealed.

SEC. 272. TRIGGERED EXPORT ENHANCEMENT.

(a) READJUSTMENT OF SUPPORT LEVELS.—Section 1302 of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101–508; 7 U.S.C. 1421 note) is repealed.

(b) TRIGGERED MARKETING LOANS AND EXPORT ENHANCEMENT.—Section 4301 of the Omnibus Trade and Competitiveness Act of 1988 (Public Law 100–418; 7 U.S.C. 1446 note) is repealed.

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective beginning with the 1996 crops of wheat, feed grains, upland cotton, and rice.

SEC. 273. DISPOSITION OF COMMODITIES TO PREVENT WASTE.

Section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by inserting after the first sentence the following: ''The Secretary may use funds of the Commodity Credit Corporation to cover administrative expenses of the programs.'';

(B) in paragraph (7)(D)(iv), by striking ''one year of acquisition'' and all that follows and inserting the following: ''a reasonable length of time, as determined by the Secretary, except that the Secretary may permit the use of proceeds in a country other than the country of origin—

''(I) as necessary to expedite the transportation of commodities and products furnished under this subsection; or

''(II) if the proceeds are generated in a currency generally accepted in the other country.'';

(C) in paragraph (8), by striking subparagraph (C); and

(D) by striking paragraphs (10), (11), and (12); and

(2) by striking subsection (c).

SEC. 274. DEBT-FOR-HEALTH-AND-PROTECTION SWAP.

(a) IN GENERAL.—Section 1517 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1706) is repealed.

(b) CONFORMING AMENDMENT.—Subsection (e)(3) of the Food for Progress Act of 1985 (7 U.S.C. 1736o(e)(3)) is amended by striking ''section 106'' and inserting ''section 103''.

SEC. 275. POLICY ON EXPANSION OF INTERNATIONAL MARKETS.

Section 1207 of the Agriculture and Food Act of 1981 (7 U.S.C. 1736m) is repealed.

SEC. 276. POLICY ON MAINTENANCE AND DEVELOPMENT OF EXPORT MARKETS.

Section 1121 of the Food Security Act of 1985 (7 U.S.C. 1736p) is amended—

(1) by striking subsection (a); and

(2) in subsection (b)—

(A) by striking ''(b)''; and

(B) by striking paragraphs (1) through (4) and inserting the following:

''(1) be the premier supplier of agricultural and food products to world markets and expand exports of high value products;

''(2) support the principle of free trade and the promotion of fair trade in agricultural commodities and products;

''(3) cooperate fully in all efforts to negotiate with foreign countries further reductions in tariff and nontariff barriers to trade, including sanitary and phytosanitary measures and trade-distorting subsidies;

''(4) aggressively counter unfair foreign trade practices as a means of encouraging fairer trade;''.

SEC. 277. POLICY ON TRADE LIBERALIZATION.

Section 1122 of the Food Security Act of 1985 (7 U.S.C. 1736q) is repealed.

SEC. 278. AGRICULTURAL TRADE NEGOTIATIONS.

Section 1123 of the Food Security Act of 1985 (7 U.S.C. 1736r) is amended to read as follows:

''SEC. 1123. TRADE NEGOTIATIONS POLICY.

''(a) FINDINGS.—Congress finds that—

''(1) on a level playing field, United States producers are the most competitive suppliers of agricultural products in the world;

''(2) exports of United States agricultural products will account for $54,000,000,000 in 1995, contributing a net $24,000,000,000 to the merchandise trade balance of the United States and supporting approximately 1,000,000 jobs;

''(3) increased agricultural exports are critical to the future of the farm, rural, and overall United States economy, but the opportunities for increased agricultural exports are limited by the unfair subsidies of the competitors of the United States, and a variety of tariff and nontariff barriers to highly competitive United States agricultural products;

''(4) international negotiations can play a key role in breaking down barriers to United States agricultural exports;

''(5) the Uruguay Round Agreement on Agriculture made significant progress in the attainment of increased market access opportunities for United States exports of agricultural products, for the first time—

''(A) restraining foreign trade-distorting domestic support and export subsidy programs; and

''(B) developing common rules for the application of sanitary and phytosanitary restrictions;

that should result in increased exports of United States agricultural products, jobs, and income growth in the United States;

''(6) the Uruguay Round Agreement on Agriculture did not succeed in completely eliminating trade distorting domestic support and export subsidies by—

''(A) allowing the European Union to continue unreasonable levels of spending on export subsidies; and

''(B) failing to discipline monopolistic state trading entities, such as the Canadian Wheat Board, that use nontransparent and discriminatory pricing as a hidden de facto export subsidy;

''(7) during the period 1996 through 2002, there will be several opportunities for the United States to negotiate fairer trade in agricultural products, including further negotiations under the World Trade Organization, and steps toward possible free trade agreements of the Americas and Asian-Pacific Economic Cooperation (APEC); and

''(8) the United States should aggressively use these opportunities to achieve more open and fair opportunities for trade in agricultural products.

''(b) GOALS OF THE UNITED STATES IN AGRICULTURAL TRADE NEGOTIATIONS.—The objectives of the United States with respect to future negotiations on agricultural trade include—

''(1) increasing opportunities for United States exports of agricultural products by eliminating tariff and nontariff barriers to trade;

''(2) leveling the playing field for United States producers of agricultural products by limiting per unit domestic production supports to levels that are no greater than those available in the United States;

''(3) ending the practice of export dumping by eliminating all trade distorting export subsidies and disciplining state trading entities so that they do not (except in cases of bona fide food aid) sell in foreign markets at below domestic market prices nor their full costs of acquiring and delivering agricultural products to the foreign markets; and

''(4) encouraging government policies that avoid price-depressing surpluses.''.

SEC. 279. POLICY ON UNFAIR TRADE PRACTICES.

Section 1164 of the Food Security Act of 1985 (Public Law 99–198; 99 Stat. 1499) is repealed.

SEC. 280. AGRICULTURAL AID AND TRADE MISSIONS.

(a) IN GENERAL.—The Agricultural Aid and Trade Missions Act (7 U.S.C. 1736bb et seq.) is repealed.

(b) CONFORMING AMENDMENT.—Section 7 of Public Law 100–277 (7 U.S.C. 1736bb note) is repealed.

SEC. 281. ANNUAL REPORTS BY AGRICULTURAL ATTACHES.

Section 108(b)(1)(B) of the Agricultural Act of 1954 (7 U.S.C. 1748(b)(1)(B)) is amended by striking ''including fruits, vegetables, legumes, popcorn, and ducks''.

SEC. 282. WORLD LIVESTOCK MARKET PRICE INFORMATION.

Section 1545 of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101–624; 7 U.S.C. 1761 note) is repealed.

SEC. 283. ORDERLY LIQUIDATION OF STOCKS.

Sections 201 and 207 of the Agricultural Act of 1956 (7 U.S.C. 1851 and 1857) are repealed.

SEC. 284. SALES OF EXTRA LONG STAPLE COTTON.

Section 202 of the Agricultural Act of 1956 (7 U.S.C. 1852) is repealed.

SEC. 285. REGULATIONS.

Section 707 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (Public Law 102–511; 7 U.S.C. 5621 note) is amended by striking subsection (d).

SEC. 286. EMERGING MARKETS.

(a) PROMOTION OF AGRICULTURAL EXPORTS TO EMERGING MARKETS.—

(1) EMERGING MARKETS.—Section 1542 of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101–624; 7 U.S.C. 5622 note) is amended—

(A) in the section heading, by striking ''**emerging democracies**'' and inserting ''**emerging markets**'';

(B) by striking ''emerging democracies'' each place it appears in subsections (b), (d), and (e) and inserting ''emerging markets'';

(C) by striking ''emerging democracy'' each place it appears in subsection (c) and inserting ''emerging market''; and

(D) by striking subsection (f) and inserting the following:

''(f) EMERGING MARKET.—In this section and section 1543, the term 'emerging market' means any country that the Secretary determines—

''(1) is taking steps toward a market-oriented economy through the food, agriculture, or rural business sectors of the economy of the country; and

''(2) has the potential to provide a viable and significant market for United States agricultural commodities or products of United States agricultural commodities.''.

(2) FUNDING.—Section 1542 of the Food, Agriculture, Conservation, and Trade Act of 1990 is amended by striking subsection (a) and inserting the following:

''(a) FUNDING.—The Commodity Credit Corporation shall make available for fiscal years 1996 through 2002 not less than $1,000,000,000 of direct credits or export credit guarantees for exports to emerging markets under section 201 or 202 of the Agricultural Trade Act of 1978 (7 U.S.C. 5621 and 5622), in addition to the amounts acquired or authorized under section 211 of the Act (7 U.S.C. 5641) for the program.''.

(3) AGRICULTURAL FELLOWSHIP PROGRAM.—Section 1542 of the Food, Agriculture, Conservation, and Trade Act of 1990 is amended—

(A) in subsection (b), by striking the last sentence and inserting the following: ''The Commodity Credit Corporation shall give priority under this subsection to—

''(A) projects that encourage the privatization of the agricultural sector or that benefit private farms or cooperatives in emerging markets; and

''(B) projects for which nongovernmental persons agree to assume a relatively larger share of the costs.''; and

(B) in subsection (d)—

(i) in the matter preceding paragraph (1), by striking ''the Soviet Union'' and inserting ''emerging markets'';

(ii) in paragraph (1)—

(I) in subparagraph (A)(i)—

(aa) by striking ''1995'' and inserting ''2002''; and

(bb) by striking ''those systems, and identify'' and inserting ''the systems, including potential reductions in trade barriers, and identify and carry out'';

(II) in subparagraph (B), by striking ''shall'' and inserting ''may'';

(III) in subparagraph (D), by inserting ''(including the establishment of extension services)'' after ''technical assistance'';

(IV) by striking subparagraph (F);

(V) by redesignating subparagraphs (G), (H), and (I) as subparagraphs (F), (G), and (H), respectively; and

(VI) in subparagraph (H) (as redesignated by subclause (V)), by striking ''$10,000,000'' and inserting ''$20,000,000'';

(iii) in paragraph (2)—

(I) by striking ''the Soviet Union'' each place it appears and inserting ''emerging markets'';

(II) in subparagraph (A), by striking ''a free market food production and distribution system'' and inserting ''free market food production and distribution systems'';

(III) in subparagraph (B)—

(aa) in clause (i), by striking ''Government'' and inserting ''governments'';

(bb) in clause (iii)(II), by striking ''and'' at the end;

(cc) in clause (iii)(III), by striking the period at the end and inserting ''; and''; and

(dd) by adding at the end of clause (iii) the following:

''(IV) to provide for the exchange of administrators and faculty members from agricultural and other institutions to strengthen and revise educational programs in agricultural economics, agribusiness, and agrarian law, to support change towards a free market economy in emerging markets.'';

(IV) by striking subparagraph (D); and

by redesignating subparagraph (E) as subparagraph (D); and

(iv) by striking paragraph (3).

(4) UNITED STATES AGRICULTURAL COMMODITY.—Subsections (b) and (c) of section 1542 of the Food, Agriculture, Conservation, and Trade Act of 1990 are amended by striking ''section 101(6)'' each place it appears and inserting ''section 102(7)''.

(5) REPORT.—The first sentence of section 1542(e)(2) of the Food, Agriculture, Conservation, and Trade Act of 1990 is amended by striking ''Not'' and inserting ''Subject to section 217 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6917), not''.

(b) AGRICULTURAL FELLOWSHIP PROGRAM FOR MIDDLE INCOME COUNTRIES, EMERGING DEMOCRACIES, AND EMERGING MARKETS.—Section 1543 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 3293) is amended—

(1) in the section heading, by striking ''**middle income countries and emerging democracies**'' and inserting ''**middle income countries, emerging democracies, and emerging markets**'';

(2) in subsection (b), by adding at the end the following:

''(5) EMERGING MARKET.—Any emerging market, as defined in section 1542(f).''; and

(3) in subsection (c)(1), by striking ''food needs'' and inserting ''food and fiber needs''.

(c) CONFORMING AMENDMENTS.—

(1) Section 501 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1737) is amended—

(A) in subsection (a), by striking ''emerging democracies'' and inserting ''emerging markets''; and

(B) in subsection (b), by striking paragraph (1) and inserting the following:

''(1) EMERGING MARKET.—The term 'emerging market' means any country that the Secretary determines—

''(A) is taking steps toward a market-oriented economy through the food, agriculture, or rural business sectors of the economy of the country; and

''(B) has the potential to provide a viable and significant market for United States agricultural commodities or products of United States agricultural commodities.''.

(2) Section 201(d)(1)(C)(ii) of the Agricultural Trade Act of 1978 (7 U.S.C. 5621(d)(1)(C)(ii)) is amended by striking ''emerging democracies'' and inserting ''emerging markets''.

(3) Section 202(d)(3)(B) of the Agricultural Trade Act of 1978 (7 U.S.C. 5622(d)(3)(B)) is amended by striking ''emerging democracies'' and inserting ''emerging markets''.

SEC. 287. IMPLEMENTATION OF COMMITMENTS UNDER URUGUAY ROUND AGREEMENTS.

Part III of subtitle A of title IV of the Uruguay Round Agreements Act (Public Law 103–465; 108 Stat. 4964) is amended by adding at the end the following:

''SEC. 427. IMPLEMENTATION OF COMMITMENTS UNDER URUGUAY ROUND AGREEMENTS.

''Not later than September 30 of each fiscal year, the Secretary of Agriculture shall determine whether the obligations undertaken by foreign countries under the Uruguay Round Agreement on Agriculture are being fully implemented. If the Secretary of Agriculture determines that any foreign country, by not implementing the obligations of the country, is significantly constraining an opportunity for United States agricultural exports, the Secretary shall—

''(1) submit to the United States Trade Representative a recommendation as to whether the President should take action under any provision of law; and

''(2) transmit a copy of the recommendation to the Committee on Agriculture, the Committee on International Relations, and the Committee on Ways and Means, of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry, and the Committee on Finance, of the Senate.''.

SEC. 288. SENSE OF CONGRESS CONCERNING MULTILATERAL DISCIPLINES ON CREDIT GUARANTEES.

It is the sense of Congress that—

(1) in negotiations to establish multilateral disciplines on agricultural export credits and credit guarantees, the United States should not agree to any arrangement that is incompatible with the provisions of United States law that authorize agricultural export credits and credit guarantees;

(2) in the negotiations (which are held under the auspices of the Organization for Economic Cooperation and Development), the United States should not reach any agreement that fails to impose disciplines on the practices of foreign government trading entities such as the Australian Wheat Board and Canadian Wheat Board; and

(3) the disciplines should include greater openness in the operations of the entities as long as the entities are subsidized by the foreign government or have monopolies for exports of a commodity that are sanctioned by the foreign government.

SEC. 289. FOREIGN MARKET DEVELOPMENT COOPERATOR PROGRAM.

The Agricultural Trade Act of 1978 (7 U.S.C. 5601 et seq.) is amended by adding at the end the following:

''TITLE VII—FOREIGN MARKET DEVELOPMENT COOPERATOR PROGRAM

''SEC. 701. DEFINITION OF ELIGIBLE TRADE ORGANIZATION.

''In this title, the term 'eligible trade organization' means a United States trade organization that—

''(1) promotes the export of 1 or more United States agricultural commodities or products; and

''(2) does not have a business interest in or receive remuneration from specific sales of agricultural commodities or products.

''SEC. 702. FOREIGN MARKET DEVELOPMENT COOPERATOR PROGRAM.

''(a) IN GENERAL.—The Secretary shall establish and, in cooperation with eligible trade organizations, carry out a foreign market development cooperator program to maintain and develop foreign markets for United States agricultural commodities and products.

''(b) ADMINISTRATION.—Funds made available to carry out this title shall be used only to provide—

''(1) cost-share assistance to an eligible trade organization under a contract or agreement with the organization; and

''(2) assistance for other costs that are necessary or appropriate to carry out the foreign market development cooperator program, including contingent liabilities that are not otherwise funded.

''SEC. 703. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this title such sums as may be necessary for each of fiscal years 1996 through 2002.''.

Subtitle E—Dairy Exports

SEC. 291. DAIRY EXPORT INCENTIVE PROGRAM.

(a) IN GENERAL.—Section 153(c) of the Food Security Act of 1985 (15 U.S.C. 713a–14(c)) is amended—

(1) by striking ''and'' at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting ''; and''; and

(3) by adding at the end the following new paragraphs:

''(3) the maximum volume of dairy product exports allowable consistent with the obligations of the United States as a member of the World Trade Organization are exported under the program each year (minus the volume sold under section 1163 of the Food Security Act of 1985 (7 U.S.C. 1731 note) during that year), except to the extent that the export of such a volume under the program would, in the judgment of the Secretary, exceed the limitations on the value set forth in subsection (f); and

''(4) payments may be made under the program for exports to any destination in the world for the purpose of market development, except a destination in a country with

respect to which shipments from the United States are otherwise restricted by law.''.

(b) SOLE DISCRETION.—Section 153(b) of the Food Security Act of 1985 (15 U.S.C. 713a–14(b)) is amended by inserting ''sole'' before ''discretion''.

(c) MARKET DEVELOPMENT.—Section 153(e)(1) of the Food Security Act of 1985 (15 U.S.C. 713a–14(e)(1)) is amended—

(1) by striking ''and'' and inserting ''the''; and

(2) by inserting before the period the following: '', and any additional amount that may be required to assist in the development of world markets for United States dairy products''.

(d) MAXIMUM ALLOWABLE AMOUNTS.—Section 153 of the Food Security Act of 1985 (15 U.S.C. 713a–14) is amended by adding at the end the following:

''(f) REQUIRED FUNDING.—The Commodity Credit Corporation shall in each year use money and commodities for the program under this section in the maximum amount consistent with the obligations of the United States as a member of the World Trade Organization, minus the amount expended under section 1163 of the Food Security Act of 1985 (7 U.S.C. 1731 note) during that year. However, the Commodity Credit Corporation may not exceed the limitations specified in subsection (c)(3) on the volume of allowable dairy product exports.''.

(e) CONFORMING AMENDMENT.—Section 153(a) of the Food Security Act of 1985 (15 U.S.C. 713a–14(a)) is amended by striking ''2001'' and inserting ''2002''.

SEC. 292. AUTHORITY TO ASSIST IN ESTABLISHMENT AND MAINTENANCE OF EXPORT TRADING COMPANY.

The Secretary of Agriculture shall, consistent with the obligations of the United States as a member of the World Trade Organization, provide such advice and assistance to the United States dairy industry as may be necessary to enable that industry to establish and maintain an export trading company under the Export Trading Company Act of 1982 (15 U.S.C. 4001 et seq.) for the purpose of facilitating the international market development for and exportation of dairy products produced in the United States.

SEC. 293. STANDBY AUTHORITY TO INDICATE ENTITY BEST SUITED TO PROVIDE INTERNATIONAL MARKET DEVELOPMENT AND EXPORT SERVICES.

(a) INDICATION OF ENTITY BEST SUITED TO ASSIST INTERNATIONAL MARKET DEVELOPMENT FOR AND EXPORT OF UNITED STATES DAIRY PRODUCTS.—If—

(1) the United States dairy industry has not established an export trading company under the Export Trading Company Act of 1982 (15 U.S.C. 4001 et seq.) for the purpose of facilitating the international market development for and exportation of dairy products produced in the United States on or before June 30, 1996; or

(2) the quantity of exports of United States dairy products during the 12-month period preceding July 1, 1997 does not exceed the quantity of exports of United States dairy products during the 12-month period preceding July 1, 1996 by 1.5 billion pounds (milk equivalent, total solids basis);

the Secretary of Agriculture is directed to indicate which entity autonomous of the Government of the United States is best suited to facilitate the international market development for and exportation of United States dairy products.

(b) FUNDING OF EXPORT ACTIVITIES.—The Secretary shall assist the entity in identifying sources of funding for the activities specified in subsection (a) from within the dairy industry and elsewhere.

(c) APPLICATION OF SECTION.—This section shall apply only during the period beginning on July 1, 1997 and ending on September 30, 2000.

SEC. 294. STUDY AND REPORT REGARDING POTENTIAL IMPACT OF URUGUAY ROUND ON PRICES, INCOME AND GOVERNMENT PURCHASES.

(a) STUDY.—The Secretary of Agriculture shall conduct a study, on a variety by variety of cheese basis, to determine the potential impact on milk prices in the United States, dairy producer income, and Federal dairy program costs, of the allocation of additional cheese granted access to the United States as a result of the obligations of the United States as a member of the World Trade Organization.

(b) REPORT.—Not later than June 30, 1997, the Secretary shall report to the Committees on Agriculture of the Senate and the House of Representatives the results of the study conducted under this section.

(c) RULE OF CONSTRUCTION.—Any limitation imposed by Act of Congress on the conduct or completion of studies or reports to Congress shall not apply to the study and report required under this section unless such limitation explicitly references this section in doing so.

SEC. 295. PROMOTION OF AMERICAN DAIRY PRODUCTS IN INTERNATIONAL MARKETS THROUGH DAIRY PROMOTION PROGRAM.

Section 113(e) of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4504(e)) is amended by adding at the end the following new sentence: ''For each of the fiscal years 1996 through 2000, the Board's budget shall provide for the expenditure of not less than 10 percent of the anticipated revenues available to the Board to develop international markets for, and to promote within such markets, the consumption of dairy products produced in the United States from milk produced in the United States.''.

TITLE III—CONSERVATION

Subtitle A—Environmental Conservation Acreage Reserve Program

SEC. 311. ENVIRONMENTAL CONSERVATION ACREAGE RESERVE PROGRAM.

Section 1230 of the Food Security Act of 1985 (16 U.S.C. 3830) is amended to read as follows:

''SEC. 1230. ENVIRONMENTAL CONSERVATION ACREAGE RESERVE PROGRAM.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—During the 1996 through 2002 calendar years, the Secretary shall establish an environmental conservation acreage reserve program (referred to in this section as 'ECARP') to be implemented through contracts and the acquisition of easements to assist owners and operators of farms and ranches to conserve and enhance soil, water, and related natural resources, including grazing land, wetland, and wildlife habitat.

''(2) MEANS.—The Secretary shall carry out the ECARP by—

''(A) providing for the long-term protection of environmentally sensitive land; and

''(B) providing technical and financial assistance to farmers and ranchers to—

''(i) improve the management and operation of the farms and ranches; and

''(ii) reconcile productivity and profitability with protection and enhancement of the environment.

''(3) PROGRAMS.—The ECARP shall consist of—

''(A) the conservation reserve program established under subchapter B;

''(B) the wetlands reserve program established under subchapter C;

''(C) the environmental quality incentives program established under chapter 4; and

''(D) a farmland protection program under which the Secretary shall use funds of the Commodity Credit Corporation for the purchase of conservation easements or other interests in not less than 170,000, nor more than 340,000, acres of land with prime, unique, or other productive soil that is subject to a pending offer from a State or local government for the purpose of protecting topsoil by limiting nonagricultural uses of the land, except that any highly erodible cropland shall be subject to the requirements of a conservation plan, including, if required by the Secretary, the conversion of the land to less intensive uses. In no case shall total expenditures of funding from the Commodity Credit Corporation exceed a total of $35,000,000 over the first 3 and subsequent fiscal years.

''(b) ADMINISTRATION.—

''(1) IN GENERAL.—In carrying out the ECARP, the Secretary shall enter into contracts with owners and operators and acquire interests in land through easements from owners, as provided in this chapter and chapter 4.

''(2) PRIOR ENROLLMENTS.—Acreage enrolled in the conservation reserve or wetlands reserve program prior to the effective date of this paragraph shall be considered to be placed into the ECARP.

''(c) CONSERVATION PRIORITY AREAS.—

''(1) DESIGNATION.—

''(A) IN GENERAL.—The Secretary shall designate watersheds or regions of special environmental sensitivity, including the Chesapeake Bay Region (consisting of Pennsylvania, Maryland, and Virginia), the Great Lakes Region, the Rainwater Basin Region, the Lake Champlain Basin, the Prairie Pothole Region, and the Long Island Sound Region, as conservation priority areas that are eligible for enhanced assistance through the programs established under this chapter and chapter 4.

''(B) APPLICATION.—A designation shall be made under this paragraph if agricultural practices on land within the watershed or region pose a significant threat to soil, water, and related natural resources, as determined by the Secretary, and an application is made by—

''(i) a State agency in consultation with the State technical committee established under section 1261; or

''(ii) State agencies from several States that agree to form an interstate conservation priority area.

''(C) ASSISTANCE.—The Secretary shall designate a watershed or region of special environmental sensitivity as a conservation priority area to assist, to the maximum extent practicable, agricultural producers within the watershed or region to comply with nonpoint source pollution requirements under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) and other Federal and State environmental laws.

''(2) APPLICABILITY.—The Secretary shall designate a watershed or region of special environmental sensitivity as a conservation priority area in a manner that conforms, to the maximum extent practicable, to the functions and purposes of the conservation reserve, wetlands reserve, and environmental quality incentives programs, as applicable, if participation in the program or programs is likely to result in the resolution or amelioration of significant soil, water, and related natural resource problems related to agricultural production activities within the watershed or region.

''(3) TERMINATION.—A conservation priority area designation shall terminate on the date that is 5 years after the date of the designation, except that the Secretary may—

''(A) redesignate the area as a conservation priority area; or

''(B) withdraw the designation of a watershed or region if the Secretary determines the area is no longer affected by significant

soil,water, and related natural resource impacts related to agricultural production activities.''.

SEC. 312. CONSERVATION RESERVE PROGRAM.

(a) PROGRAM EXTENSIONS.—

(1) CONSERVATION RESERVE PROGRAM.—Section 1231 of the Act (16 U.S.C. 3831) is amended in subsections (a) and (b)(3), by striking ''1995'' each place it appears and inserting ''2002''.

(3) DUTIES OF OWNERS AND OPERATORS.—Section 1232(c) of the Act (16 U.S.C. 3832(c)) is amended by striking ''1995'' and inserting ''2002''.

(b) MAXIMUM ENROLLMENT.—Section 1231(d) of the Food Security Act of 1985 (16 U.S.C. 3831(d)) is amended striking ''total of'' and all that follows through the period at the end of the subsection and inserting ''total of 36,400,000 acres during the 1986 through 2002 calendar years (including contracts extended by the Secretary pursuant to section 1437(c) of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101–624; 16 U.S.C. 3831 note).''.

(c) OPTIONAL CONTRACT TERMINATION BY PRODUCERS.—Section 1235 of the Food Security Act of 1985 (16 U.S.C. 3835) is amended by adding at the end the following new subsection:

''(e) TERMINATION BY OWNER OR OPERATOR.—

''(1) EARLY TERMINATION AUTHORIZED.—The Secretary shall allow an owner or operator of land that, on the date of the enactment of the Agricultural Market Transition Act, is covered by a contract that was entered into under this subchapter at least five years before that date to terminate the contract with respect to all or a portion of the covered land. The owner or operator shall provide the Secretary with reasonable notice of the termination request.

''(2) CERTAIN LANDS EXCEPTED.—Notwithstanding paragraph (1), the following lands shall not be subject to an early termination of a contract under this subsection:

''(A) Filterstrips, waterways, strips adjacent to riparian areas, windbreaks, and shelterbelts.

''(B) Land with an erodibility index of more than 15.

''(C) Other lands of high environmental value, as determined by the Secretary.

''(3) EFFECTIVE DATE.—The contract termination shall take effect 60 days after the date on which the owner or operator submits the notice under paragraph (1).

''(4) PRORATED RENTAL PAYMENT.—If a contract entered into under this subchapter is terminated under this subsection before the end of the fiscal year for which a rental payment is due, the Secretary shall provide a prorated rental payment covering the portion of the fiscal year during which the contract was in effect.

''(5) RENEWED ENROLLMENT.—The termination of a contract entered into under this subchapter shall not affect the ability of the owner or operator who requested the termination to submit a subsequent bid to enroll the land that was subject to the contract into the conservation reserve.

''(6) CONSERVATION REQUIREMENTS.—If land that was subject to a contract is returned to production of an agricultural commodity, the conservation requirements under subtitles B and C shall apply to the use of the land to the extent that the requirements are similar to those requirements imposed on other similar lands in the area, except that the requirements may not be more onerous that the requirements imposed on other lands.''.

(d) USE OF UNEXPENDED FUNDS.—Section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) is amended by adding at the end the following:

''(h) USE OF UNEXPENDED FUNDS FROM CONTRACT TERMINATIONS.—If a contract entered into under this section is terminated, voluntarily or otherwise, before the expiration date specified in the contract, the Secretary may use funds, already available to the Secretary to cover payments under the contract, but unexpended as a result of the contract termination, to enroll other eligible lands in the conservation reserve established under this subchapter.''.

(e) FAIR MARKET VALUE RENTAL RATES.—

(1) IN GENERAL.—Section 1234(c) of the Food Security Act of 1985 (16 U.S.C. 3834(c)) is amended by adding at the end the following new paragraph:

''(5) In the case of a contract covering land which has not been previously enrolled in the conservation reserve, annual rental payments under the contract may not exceed the average fair market rental rate for comparable lands in the county in which the lands are located. This paragraph shall not apply to the extension of an existing contract.''.

(2) APPLICATION OF AMENDMENT.—The amendment made by paragraph (1) shall apply with respect to contracts for the enrollment of lands in the conservation reserve program under section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831)) entered into after the date of the enactment of this Act.

(f) ENROLLMENTS IN 1997.—Section 725 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1996 (Public Law 104–37; 109 Stat. 332), is amended by striking the proviso relating to enrollment of new acres in 1997.

SEC. 313. WETLANDS RESERVE PROGRAM.

(a) PURPOSES.—Section 1237(a) of the Food Security Act of 1985 (16 U.S.C. 3837(a)) is amended by striking ''to assist owners of eligible lands in restoring and protecting wetlands'' and inserting ''to protect wetlands for purposes of enhancing water quality and providing wildlife benefits while recognizing landowner rights''.

(b) ENROLLMENT.—Section 1237 of the Food Security Act of 1985 (16 U.S.C. 3837) is amended by striking subsection (b) and inserting the following:

''(b) MINIMUM ENROLLMENT.—The Secretary shall enroll into the wetlands reserve program—

''(1) during the 1996 through 2002 calendar years, a total of not more than 975,000 acres; and

''(2) beginning with offers accepted by the Secretary during calendar year 1997, to the maximum extent practicable, ⅓ of the acres in permanent easements, ⅓ of the acres in 30-year easements, and ⅓ of the acres in restoration cost-share agreements.''.

(c) ELIGIBILITY.—Section 1237(c) of the Food Security Act of 1985 (16 U.S.C. 3837(c)) is amended—

(1) by striking ''2000'' and inserting ''2002''; and

(2) by inserting ''the land maximizes wildlife benefits and wetland values and functions and'' after ''determines that''.

(d) OTHER ELIGIBLE LANDS.—Section 1237(d) (16 U.S.C. 3837(d)) is amended by inserting after ''subsection (c)'' the following '', land that maximizes wildlife benefits and that is''.

(e) EASEMENTS.—Section 1237A of the Food Security Act of 1985 (16 U.S.C. 3837a) is amended—

(1) in the section heading, by inserting before the period at the end the following: ''**and agreements**'';

(2) by striking subsection (c) and inserting the following:

''(c) RESTORATION PLANS.—The development of a restoration plan, including any compatible use, under this section shall be made through the local Natural Resources Conservation Service representative, in consultation with the State technical committee.'';

(3) in subsection (f), by striking the third sentence and inserting the following: ''Compensation may be provided in not less than 5, nor more than 30, annual payments of equal or unequal size, as agreed to by the owner and the Secretary.''; and

(4) by adding at the end the following:

''(h) COST SHARE AGREEMENTS.—The Secretary may enroll land into the wetland reserve through agreements that require the landowner to restore wetlands on the land, if the agreement does not provide the Secretary with an easement.''.

(f) COST SHARE AND TECHNICAL ASSISTANCE.—Section 1237C of the Food Security Act of 1985 (16 U.S.C. 3837c) is amended by striking subsection (b) and inserting the following:

''(b) COST SHARE AND TECHNICAL ASSISTANCE.—In the case of an easement entered into during the 1996 through 2002 calendar years, in making cost share payments under subsection (a)(1), the Secretary shall—

''(1) in the case of a permanent easement, pay the owner an amount that is not less than 75 percent, but not more than 100 percent, of the eligible costs;

''(2) in the case of a 30-year easement or a cost-share agreement, pay the owner an amount that is not less than 50 percent, but not more than 75 percent, of the eligible costs; and

''(3) provide owners technical assistance to assist landowners in complying with the terms of easements and agreements.''.

SEC. 314. ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.

Subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3830 et seq.) is amended by adding at the end the following:

''CHAPTER 4—ENVIRONMENTAL QUALITY INCENTIVES PROGRAM

''SEC. 1238. FINDINGS AND PURPOSES.

''(a) FINDINGS.—Congress finds that—

''(1) farmers and ranchers cumulatively manage more than ½ of the private lands in the continental United States;

''(2) because of the predominance of agriculture, the soil, water, and related natural resources of the United States cannot be protected without cooperative relationships between the Federal Government and farmers and ranchers;

''(3) farmers and ranchers have made tremendous progress in protecting the environment and the agricultural resource base of the United States over the past decade because of not only Federal Government programs but also their spirit of stewardship and the adoption of effective technologies;

''(4) it is in the interest of the entire United States that farmers and ranchers continue to strive to preserve soil resources and make more efforts to protect water quality and wildlife habitat, and address other broad environmental concerns;

''(5) environmental strategies that stress the prudent management of resources, as opposed to idling land, will permit the maximum economic opportunities for farmers and ranchers in the future;

''(6) unnecessary bureaucratic and paperwork barriers associated with existing agricultural conservation assistance programs decrease the potential effectiveness of the programs; and

''(7) the recent trend of Federal spending on agricultural conservation programs suggests that assistance to farmers and ranchers in future years will, absent changes in policy, dwindle to perilously low levels.

''(b) PURPOSES.—The purposes of the environmental quality incentives program established by this chapter are to—

''(1) combine into a single program the functions of—

''(A) the agricultural conservation program authorized by sections 7 and 8 of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590g and 590h) (as in effect before the amendments made by section 355(a)(1) of the Agricultural Reform and Improvement Act of 1996);

''(B) the Great Plains conservation program established under section 16(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590p(b)) (as in effect before the amendment made by section 355(b)(1) of the Agricultural Reform and Improvement Act of 1996); and

''(C) the water quality incentives program established under chapter 2 (as in effect before the amendment made by section 355(k) of the Agricultural Reform and Improvement Act of 1996); and

''(D) the Colorado River Basin salinity control program established under section 202(c) of the Colorado River Basin Salinity Control Act (43 U.S.C. 1592(c)) (as in effect before the amendment made by section 355(c)(1) of the Agricultural Reform and Improvement Act of 1996); and

''(2) carry out the single program in a manner that maximizes environmental benefits per dollar expended, and that provides—

''(A) flexible technical and financial assistance to farmers and ranchers that face the most serious threats to soil, water, and related natural resources, including grazing lands, wetlands, and wildlife habitat;

''(B) assistance to farmers and ranchers in complying with this title and Federal and State environmental laws, and to encourage environmental enhancement;

''(C) assistance to farmers and ranchers in making beneficial, cost-effective changes to cropping systems, grazing management, manure, nutrient, pest, or irrigation management, land uses, or other measures needed to conserve and improve soil, water, and related natural resources; and

''(D) for the consolidation and simplification of the conservation planning process to reduce administrative burdens on the owners and operators of farms and ranches.

''SEC. 1238A. DEFINITIONS.

''In this chapter:

''(1) LAND MANAGEMENT PRACTICE.—The term 'land management practice' means nutrient or manure management, integrated pest management, irrigation management, tillage or residue management, grazing management, or another land management practice the Secretary determines is needed to protect soil, water, or related resources in the most cost effective manner.

''(2) LARGE CONFINED LIVESTOCK OPERATION.—The term 'large confined livestock operation' means a farm or ranch that—

''(A) is a confined animal feeding operation; and

''(B) has more than—

''(i) 700 mature dairy cattle;

''(ii) 1,000 beef cattle;

''(iii) 100,000 laying hens or broilers;

''(iv) 55,000 turkeys;

''(v) 2,500 swine; or

''(vi) 10,000 sheep or lambs.

''(3) LIVESTOCK.—The term 'livestock' means mature dairy cows, beef cattle, laying hens, broilers, turkeys, swine, sheep, or lambs.

''(4) OPERATOR.—The term 'operator' means a person who is engaged in crop or livestock production (as defined by the Secretary).

''(5) STRUCTURAL PRACTICE.—The term 'structural practice' means the establishment of an animal waste management facility, terrace, grassed waterway, contour grass strip, filterstrip, permanent wildlife habitat, or another structural practice that the Secretary determines is needed to protect soil, water, or related resources in the most cost effective manner.

''SEC. 1238B. ESTABLISHMENT AND ADMINISTRATION OF ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—During the 1996 through 2002 fiscal years, the Secretary shall provide technical assistance, cost-sharing payments, and incentive payments, education to operators, who enter into contracts with the Secretary, through an environmental quality incentives program in accordance with this chapter.

''(2) ELIGIBLE PRACTICES.—

''(A) STRUCTURAL PRACTICES.—An operator who implements a structural practice shall be eligible for technical assistance or cost-sharing payments, education or both.

''(B) LAND MANAGEMENT PRACTICES.—An operator who performs a land management practice shall be eligible for technical assistance or incentive payments, education or both.

''(b) APPLICATION AND TERM.—A contract between an operator and the Secretary under this chapter may—

''(1) apply to 1 or more structural practices or 1 or more land management practices, or both; and

''(2) have a term of not less than 5, nor more than 10, years, as determined appropriate by the Secretary, depending on the practice or practices that are the basis of the contract.

''(c) STRUCTURAL PRACTICES.—

''(1) COMPETITIVE OFFER.—The Secretary shall administer a competitive offer system for operators proposing to receive cost-sharing payments in exchange for the implementation of 1 or more structural practices by the operator. The competitive offer system shall consist of—

''(A) the submission of a competitive offer by the operator in such manner as the Secretary may prescribe; and

''(B) evaluation of the offer in light of the priorities established in section 1238C and the projected cost of the proposal, as determined by the Secretary.

''(2) CONCURRENCE OF OWNER.—If the operator making an offer to implement a structural practice is a tenant of the land involved in agricultural production, for the offer to be acceptable, the operator shall obtain the concurrence of the owner of the land with respect to the offer.

''(d) LAND MANAGEMENT PRACTICES.—The Secretary shall establish an application and evaluation process for awarding technical assistance or incentive payments, or both, to an operator in exchange for the performance of 1 or more land management practices by the operator.

''(e) COST-SHARING AND INCENTIVE PAYMENTS.—

''(1) COST-SHARING PAYMENTS.—

''(A) IN GENERAL.—The Federal share of cost-sharing payments to an operator proposing to implement 1 or more structural practices shall not be more than 75 percent of the projected cost of the practice, as determined by the Secretary, taking into consideration any payment received by the operator from a State or local government.

''(B) LIMITATION.—An operator of a large confined livestock operation shall not be eligible for cost-sharing payments to construct an animal waste management facility.

''(C) OTHER PAYMENTS.—An operator shall not be eligible for cost-sharing payments for structural practices on eligible land under this chapter if the operator receives cost-sharing payments or other benefits for the same land under chapter 1 or 3.

''(2) INCENTIVE PAYMENTS.—The Secretary shall make incentive payments in an amount and at a rate determined by the Secretary to be necessary to encourage an operator to perform 1 or more land management practices.

''(f) TECHNICAL ASSISTANCE.—

''(1) FUNDING.—The Secretary shall allocate funding under this chapter for the provision of technical assistance according to the purpose and projected cost for which the technical assistance is provided in a fiscal year. The allocated amount may vary according to the type of expertise required, quantity of time involved, and other factors as determined appropriate by the Secretary. Funding shall not exceed the projected cost to the Secretary of the technical assistance provided in a fiscal year.

''(2) OTHER AUTHORITIES.—The receipt of technical assistance under this chapter shall not affect the eligibility of the operator to receive technical assistance under other authorities of law available to the Secretary.

''(g) MODIFICATION OR TERMINATION OF CONTRACTS.—

''(1) VOLUNTARY MODIFICATION OR TERMINATION.—The Secretary may modify or terminate a contract entered into with an operator under this chapter if—

''(A) the operator agrees to the modification or termination; and

''(B) the Secretary determines that the modification or termination is in the public interest.

''(2) INVOLUNTARY TERMINATION.—The Secretary may terminate a contract under this chapter if the Secretary determines that the operator violated the contract.

''(h) NON-FEDERAL ASSISTANCE.—

''(1) IN GENERAL.—The Secretary may request the services of a State water quality agency, State fish and wildlife agency, State forestry agency, or any other governmental or private resource considered appropriate to assist in providing the technical assistance necessary for the development and implementation of a structural practice or land management practice.

''(2) LIMITATION ON LIABILITY.—No person shall be permitted to bring or pursue any claim or action against any official or entity based on or resulting from any technical assistance provided to an operator under this chapter to assist in complying with a Federal or State environmental law.

''SEC. 1238C. EVALUATION OF OFFERS AND PAYMENTS.

''(a) REGIONAL PRIORITIES.—The Secretary shall provide technical assistance, cost-sharing payments, and incentive payments to operators in a region, watershed, or conservation priority area under this chapter based on the significance of the soil, water, and related natural resource problems in the region, watershed, or area, and the structural practices or land management practices that best address the problems, as determined by the Secretary.

''(b) MAXIMIZATION OF ENVIRONMENTAL BENEFITS.—

''(1) IN GENERAL.—In providing technical assistance, cost-sharing payments, and incentive payments to operators in regions, watersheds, or conservation priority areas under this chapter, the Secretary shall accord a higher priority to assistance and payments that maximize environmental benefits per dollar expended.

''(2) NATIONAL AND REGIONAL PRIORITY.—The prioritization shall be done nationally as well as within the conservation priority area, region, or watershed in which an agricultural operation is located.

''(3) CRITERIA.—To carry out this subsection, the Secretary shall establish criteria for implementing structural practices and land management practices that best achieve conservation goals for a region, watershed, or conservation priority area, as determined by the Secretary.

''(c) STATE OR LOCAL CONTRIBUTIONS.—The Secretary shall accord a higher priority to operators whose agricultural operations are located within watersheds, regions, or conservation priority areas in which State or local governments have provided, or will provide, financial or technical assistance to the operators for the same conservation or environmental purposes.

''(d) PRIORITY LANDS.—The Secretary shall accord a higher priority to structural practices or land management practices on lands on which agricultural production has been determined to contribute to, or create, the potential for failure to meet applicable water quality standards or other environmental objectives of a Federal or State law.

''SEC. 1238D. DUTIES OF OPERATORS.

''To receive technical assistance, cost-sharing payments, or incentives payments under this chapter, an operator shall agree—

''(1) to implement an environmental quality incentives program plan that describes conservation and environmental goals to be achieved through a structural practice or land management practice, or both, that is approved by the Secretary;

''(2) not to conduct any practices on the farm or ranch that would tend to defeat the purposes of this chapter;

''(3) on the violation of a term or condition of the contract at any time the operator has control of the land, to refund any cost-sharing or incentive payment received with interest, and forfeit any future payments under this chapter, as determined by the Secretary;

''(4) on the transfer of the right and interest of the operator in land subject to the contract, unless the transferee of the right and interest agrees with the Secretary to assume all obligations of the contract, to refund all cost-sharing payments and incentive payments received under this chapter, as determined by the Secretary;

''(5) to supply information as required by the Secretary to determine compliance with the environmental quality incentives program plan and requirements of the program; and

''(6) to comply with such additional provisions as the Secretary determines are necessary to carry out the environmental quality incentives program plan.

''SEC. 1238E. ENVIRONMENTAL QUALITY INCENTIVES PROGRAM PLAN.

''An environmental quality incentives program plan shall include (as determined by the Secretary)—

''(1) a description of the prevailing farm or ranch enterprises, cropping patterns, grazing management, cultural practices, or other information that may be relevant to conserving and enhancing soil, water, and related natural resources;

''(2) a description of relevant farm or ranch resources, including soil characteristics, rangeland types and condition, proximity to water bodies, wildlife habitat, or other relevant characteristics of the farm or ranch related to the conservation and environmental objectives set forth in the plan;

''(3) a description of specific conservation and environmental objectives to be achieved;

''(4) to the extent practicable, specific, quantitative goals for achieving the conservation and environmental objectives;

''(5) a description of 1 or more structural practices or 1 or more land management practices, or both, to be implemented to achieve the conservation and environmental objectives;

''(6) a description of the timing and sequence for implementing the structural practices or land management practices, or both, that will assist the operator in complying with Federal and State environmental laws; and

''(7) information that will enable evaluation of the effectiveness of the plan in achieving the conservation and environmental objectives, and that will enable evaluation of the degree to which the plan has been implemented.

''(8) Not withstanding any provision of law, the Secretary shall ensure that the process of writing, developing, and assisting in the implementation of plans required in the programs established under this title be open to individuals in agribusiness including but not limited to agricultural producers, representatives from agricultural cooperatives, agricultural input retail dealers, and certified crop advisers. This process shall be included in but not limited to programs and plans established under this title and any other Department program using incentive, technical assistance, cost-share or pilot project programs that require plans.

''SEC. 1238F. DUTIES OF THE SECRETARY.

''To the extent appropriate, the Secretary shall assist an operator in achieving the conservation and environmental goals of an environmental quality incentives program plan by—

''(1) providing an eligibility assessment of the farming or ranching operation of the operator as a basis for developing the plan;

''(2) providing technical assistance in developing and implementing the plan;

''(3) providing technical assistance, cost-sharing payments, or incentive payments for developing and implementing 1 or more structural practices or 1 or more land management practices, as appropriate;

''(4) providing the operator with information, education, and training to aid in implementation of the plan; and

''(5) encouraging the operator to obtain technical assistance, cost-sharing payments, or grants from other Federal, State, local, or private sources.

''SEC. 1238G. ELIGIBLE LANDS.

''Agricultural land on which a structural practice or land management practice, or both, shall be eligible for technical assistance, cost-sharing payments, or incentive payments under this chapter include—

''(1) agricultural land (including cropland, rangeland, pasture, and other land on which crops or livestock are produced) that the Secretary determines poses a serious threat to soil, water, or related resources by reason of the soil types, terrain, climatic, soil, topographic, flood, or saline characteristics, or other factors or natural hazards;

''(2) an area that is considered to be critical agricultural land on which either crop or livestock production is carried out, as identified in a plan submitted by the State under section 319 of the Federal Water Pollution Control Act (33 U.S.C. 1329) as having priority problems that result from an agricultural nonpoint source of pollution;

''(3) an area recommended by a State lead agency for protection of soil, water, and related resources, as designated by a Governor of a State; and

''(4) land that is not located within a designated or approved area, but that if permitted to continue to be operated under existing management practices, would defeat the purpose of the environmental quality incentives program, as determined by the Secretary.

''SEC. 1238H. LIMITATIONS ON PAYMENTS.

''(a) PAYMENTS.—The total amount of cost-sharing and incentive payments paid to a person under this chapter may not exceed—

''(1) $10,000 for any fiscal year; or

''(2) $50,000 for any multiyear contract.

''(b) REGULATIONS.—The Secretary shall issue regulations that are consistent with section 1001 for the purpose of—

''(1) defining the term 'person' as used in subsection (a); and

''(2) prescribing such rules as the Secretary determines necessary to ensure a fair and reasonable application of the limitations contained in subsection (a).''.

Subtitle B—Conservation Funding

SEC. 321. CONSERVATION FUNDING.

(a) IN GENERAL.—Subtitle E of title XII of the Food Security Act of 1985 (16 U.S.C. 3841 et seq.) is amended to read as follows:

''Subtitle E—Funding

''SEC. 1241. FUNDING.

''(a) MANDATORY EXPENSES.—For each of fiscal years 1996 through 2002, the Secretary shall use the funds of the Commodity Credit Corporation to carry out the programs authorized by—

''(1) subchapter B of chapter 1 of subtitle D (including contracts extended by the Secretary pursuant to section 1437 of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101–624; 16 U.S.C. 3831 note));

''(2) subchapter C of chapter 1 of subtitle D; and

''(3) chapter 4 of subtitle D.

''(b) ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.—

''(1) IN GENERAL.—For each of fiscal years 1996 through 2002, $200,000,000 of the funds of the Commodity Credit Corporation shall be available for providing technical assistance, cost-sharing payments, and incentive payments under the environmental quality incentives program under chapter 4 of subtitle D.

''(2) LIVESTOCK PRODUCTION.—For each of fiscal years 1996 through 2002, 50 percent of the funding available for technical assistance, cost-sharing payments, and incentive payments under the environmental quality incentives program shall be targeted at practices relating to livestock production.

''(c) ADVANCE APPROPRIATIONS TO CCC.—The Secretary may use the funds of the Commodity Credit Corporation to carry out chapter 3 of subtitle D, except that the Secretary may not use the funds of the Corporation unless the Corporation has received funds to cover the expenditures from appropriations made available to carry out chapter 3 of subtitle D.

''SEC. 1242. ADMINISTRATION.

''(a) PLANS.—The Secretary shall, to the extent practicable, avoid duplication in—

''(1) the conservation plans required for—

''(A) highly erodible land conservation under subtitle B;

''(B) the conservation reserve program established under subchapter B of chapter 1 of subtitle D; and

''(C) the wetlands reserve program established under subchapter C of chapter 1 of subtitle D; and

''(2) the environmental quality incentives program established under chapter 4 of subtitle D.

''(b) ACREAGE LIMITATION.—

''(1) IN GENERAL.—The Secretary shall not enroll more than 25 percent of the cropland in any county in the programs administered under the conservation reserve and wetlands reserve programs established under subchapters B and C, respectively, of chapter 1 of subtitle D. Not more than 10 percent of the cropland in a county may be subject to an easement acquired under the subchapters.

''(2) EXCEPTION.—The Secretary may exceed the limitations in paragraph (1) if the Secretary determines that—

''(A) the action would not adversely affect the local economy of a county; and

''(B) operators in the county are having difficulties complying with conservation plans implemented under section 1212.

''(3) SHELTERBELTS AND WINDBREAKS.—The limitations established under this subsection shall not apply to cropland that is subject to an easement under chapter 1 or 3 of subtitle D that is used for the establishment of shelterbelts and windbreaks.

''(c) TENANT PROTECTION.—Except for a person who is a tenant on land that is subject to a conservation reserve contract that has been extended by the Secretary, the Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers, including provision for sharing, on a fair and equitable basis, in payments under the programs established under subtitles B through D.

''(d) REGULATIONS.—Not later than 90 days after the effective date of this subsection, the Secretary shall issue regulations to implement the conservation reserve and wetlands reserve programs established under chapter 1 of subtitle D.''.

Subtitle C—Miscellaneous

SEC. 351. FORESTRY.

(a) FORESTRY INCENTIVES PROGRAM.—Section 4 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103) is amended by striking subsection (k).

(b) OFFICE OF INTERNATIONAL FORESTRY.—Section 2405 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 6704) is amended by adding at the end the following:

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized each fiscal year such sums as are necessary to carry out this section.''.

SEC. 352. STATE TECHNICAL COMMITTEES.

Section 1261(c) of the Food Security Act of 1985 (16 U.S.C. 3861(c)) is amended—

(1) in paragraph (7), by striking ''and'' at the end;

(2) in paragraph (8), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(9) agricultural producers;

''(10) other nonprofit organizations with demonstrable expertise;

''(11) persons knowledgeable about the economic and environmental impact of conservation techniques and programs; and

''(12) agribusiness.

SEC. 353. CONSERVATION OF PRIVATE GRAZING LAND.

(a) FINDINGS.—Congress finds that—

(1) privately owned grazing land constitutes nearly ½ of the non-Federal land of the United States and is basic to the environmental, social, and economic stability of rural communities;

(2) privately owned grazing land contains a complex set of interactions among soil, water, air, plants, and animals;

(3) grazing land constitutes the single largest watershed cover type in the United States and contributes significantly to the quality and quantity of water available for all of the many uses of the land;

(4) private grazing land constitutes the most extensive wildlife habitat in the United States;

(5) private grazing land can provide opportunities for improved nutrient management from land application of animal manures and other by-product nutrient resources;

(6) owners and managers of private grazing land need to continue to recognize conservation problems when the problems arise and receive sound technical assistance to improve or conserve grazing land resources to meet ecological and economic demands;

(7) new science and technology must continually be made available in a practical manner so owners and managers of private grazing land may make informed decisions concerning vital grazing land resources;

(8) agencies of the Department of Agriculture with private grazing land responsibilities are the agencies that have the expertise and experience to provide technical assistance, education, and research to owners and managers of private grazing land for the long-term productivity and ecological health of grazing land;

(9) although competing demands on private grazing land resources are greater than ever before, assistance to private owners and managers of private grazing land is currently limited and does not meet the demand and basic need for adequately sustaining or enhancing the private grazing lands resources; and

(10) privately owned grazing land can be enhanced to provide many benefits to all Americans through voluntary cooperation among owners and managers of the land, local conservation districts, and the agencies of the Department of Agriculture responsible for providing assistance to owners and managers of land and to conservation districts.

(b) PURPOSE.—It is the purpose of this section to authorize the Secretary of Agriculture to provide a coordinated technical, educational, and related assistance program to conserve and enhance private grazing land resources and provide related benefits to all citizens of the United States by—

(1) establishing a coordinated and cooperative Federal, State, and local grazing conservation program for management of private grazing land;

(2) strengthening technical, educational, and related assistance programs that provide assistance to owners and managers of private grazing land;

(3) conserving and improving wildlife habitat on private grazing land;

(4) conserving and improving fish habitat and aquatic systems through grazing land conservation treatment;

(5) protecting and improving water quality;

(6) improving the dependability and consistency of water supplies;

(7) identifying and managing weed, noxious weed, and brush encroachment problems on private grazing land; and

(8) integrating conservation planning and management decisions by owners and managers of private grazing land, on a voluntary basis.

(c) DEFINITIONS.—In this section:

(1) PRIVATE GRAZING LAND.—The term ''private grazing land'' means privately owned, State-owned, tribally-owned, and any other non-federally owned rangeland, pastureland, grazed forest land, and hay land.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture, acting through the Natural Resources Conservation Service.

(d) PRIVATE GRAZING LAND CONSERVATION ASSISTANCE.—

(1) ASSISTANCE TO GRAZING LANDOWNERS AND OTHERS.—Subject to the availability of appropriations, the Secretary shall establish a voluntary program to provide technical, educational, and related assistance to owners and managers of private grazing land and public agencies, through local conservation districts, to enable the landowners, managers, and public agencies to voluntarily carry out activities that are consistent with this section, including—

(A) maintaining and improving private grazing land and the multiple values and uses that depend on private grazing land;

(B) implementing grazing land management technologies;

(C) managing resources on private grazing land, including—

(i) planning, managing, and treating private grazing land resources;

(ii) ensuring the long-term sustainability of private grazing land resources;

(iii) harvesting, processing, and marketing private grazing land resources; and

(iv) identifying and managing weed, noxious weed, and brush encroachment problems;

(D) protecting and improving the quality and quantity of water yields from private grazing land;

(E) maintaining and improving wildlife and fish habitat on private grazing land;

(F) enhancing recreational opportunities on private grazing land;

(G) maintaining and improving the aesthetic character of private grazing lands; and

(H) identifying the opportunities and encouraging the diversification of private grazing land enterprises.

(2) PROGRAM ELEMENTS.—

(A) FUNDING.—The program under paragraph (1) shall be funded through a specific line-item in the annual appropriations for the Natural Resources Conservation Service.

(B) TECHNICAL ASSISTANCE AND EDUCATION.—Personnel of the Department of Agriculture trained in pasture and range management shall be made available under the program to deliver and coordinate technical assistance and education to owners and managers of private grazing land, at the request of the owners and managers.

(e) GRAZING TECHNICAL ASSISTANCE SELF-HELP.—

(1) FINDINGS.—Congress finds that—

(A) there is a severe lack of technical assistance for grazing producers;

(B) the Federal budget precludes any significant expansion, and may force a reduction of, current levels of technical support; and

(C) farmers and ranchers have a history of cooperatively working together to address common needs in the promotion of their products and in the drainage of wet areas through drainage districts.

(2) ESTABLISHMENT OF GRAZING DEMONSTRATION.—The Secretary may establish 2 grazing management demonstration districts at the recommendation of the Grazing Lands Conservation Initiative Steering Committee.

(3) PROCEDURE.—

(A) PROPOSAL.—Within a reasonable time after the submission of a request of an organization of farmers or ranchers engaged in grazing, the Secretary shall propose that a grazing management district be established.

(B) FUNDING.—The terms and conditions of the funding and operation of the grazing management district shall be proposed by the producers.

(C) APPROVAL.—The Secretary shall approve the proposal if the Secretary determines that the proposal—

(i) is reasonable;

(ii) will promote sound grazing practices; and

(iii) contains provisions similar to the provisions contained in the promotion orders in effect on the effective date of this section.

(D) AREA INCLUDED.—The area proposed to be included in a grazing management district shall be determined by the Secretary on the basis of a petition by farmers or ranchers.

(E) AUTHORIZATION.—The Secretary may use authority under the Agricultural Adjustment Act (7 U.S.C. 601 et seq.), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, to operate, on a demonstration basis, a grazing management district.

(F) ACTIVITIES.—The activities of a grazing management district shall be scientifically sound activities, as determined by the Secretary in consultation with a technical advisory committee composed of ranchers, farmers, and technical experts.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $20,000,000 for fiscal year 1996;

(2) $40,000,000 for fiscal year 1997; and

(3) $60,000,000 for fiscal year 1998 and each subsequent fiscal year.

SEC. 354. CONFORMING AMENDMENTS.

(a) AGRICULTURAL CONSERVATION PROGRAM.—

(1) ELIMINATION.—

(A) Section 8 of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h) is amended—

(i) in subsection (b)—

(I) by striking paragraphs (1) through (4) and inserting the following:

''(1) ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.—The Secretary shall provide technical assistance, cost share payments, and incentive payments to operators through the environmental quality incentives program in accordance with chapter 2 of subtitle D of the Food Security Act of 1985 (16 U.S.C. 3838 et seq.).''; and

(II) by striking paragraphs (6) through (8); and

(ii) by striking subsections (d), (e), and (f).

(B) The first sentence of section 11 of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590k) is amended by striking ''performance: *Provided further,*'' and all that follows through ''or other law'' and inserting ''performance''.

(C) Section 14 of the Act (16 U.S.C. 590n) is amended—

(i) in the first sentence, by striking ''or 8''; and

(ii) by striking the second sentence.

(D) Section 15 of the Act (16 U.S.C. 590o) is amended—

(i) in the first undesignated paragraph—

(I) in the first sentence, by striking ''sections 7 and 8'' and inserting ''section 7''; and

(II) by striking the third sentence; and

(ii) by striking the second undesignated paragraph.

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (1) of the last proviso of the matter under the heading ''CONSERVATION RESERVE PROGRAM'' under the heading ''SOIL BANK PROGRAMS'' of title I of the Department of Agriculture and Farm Credit Administration Appropriation Act, 1959 (72 Stat. 195; 7 U.S.C. 1831a) is amended by striking ''Agricultural Conservation Program'' and inserting ''environmental quality incentives program established under chapter 2 of subtitle D of the Food Security Act of 1985 (16 U.S.C. 3838 et seq.)''.

(B) Section 4 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103) is amended by striking ''as added by the Agriculture and Consumer Protection Act of 1973'' each place it appears in subsections (d) and (i) and inserting ''as in effect before the amendment made by section 355(a)(1) of the Agricultural Reform and Improvement Act of 1996''.

(C) Section 226(b)(4) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6932(b)(4)) is amended by striking ''and the agricultural conservation program under the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590g et seq.)''.

(D) Section 246(b)(8) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6962(b)(8)) is amended by striking ''and the agricultural conservation program under the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590g et seq.)''.

(E) Section 1271(c)(3)(C) of the Food, Agriculture, Conservation, and Trade Act of 1990 (16 U.S.C. 2106a(c)(3)(C)) is amended by striking ''Agricultural Conservation Program established under section 16(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h, 590l, or 590p)'' and inserting ''environmental quality incentives program established under chapter 2 of subtitle D of the Food Security Act of 1985 (16 U.S.C. 3838 et seq.)''.

(F) Section 126(a)(5) of the Internal Revenue Code of 1986 is amended to read as follows:

''(5) The environmental quality incentives program established under chapter 2 of subtitle D of the Food Security Act of 1985 (16 U.S.C. 3838 et seq.).''.

(G) Section 304(a) of the Lake Champlain Special Designation Act of 1990 (Public Law 101–596; 33 U.S.C. 1270 note) is amended—

(i) in the subsection heading, by striking ''SPECIAL PROJECT AREA UNDER THE AGRICULTURAL CONSERVATION PROGRAM'' and inserting ''A PRIORITY AREA UNDER THE ENVIRONMENTAL QUALITY INCENTIVES PROGRAM''; and

(ii) in paragraph (1), by striking ''special project area under the Agricultural Conservation Program established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b))'' and inserting ''priority area under the environmental quality incentives program established under chapter 2 of subtitle D of the Food Security Act of 1985 (16 U.S.C. 3838 et seq.)''.

(H) Section 6 of the Department of Agriculture Organic Act of 1956 (70 Stat. 1033) is amended by striking subsection (b).

(b) GREAT PLAINS CONSERVATION PROGRAM.—

(1) ELIMINATION.—Section 16 of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590p) is repealed.

(2) CONFORMING AMENDMENTS.—

(A) The Agricultural Adjustment Act of 1938 is amended by striking ''Great Plains program'' each place it appears in sections 344(f)(8) and 377 (7 U.S.C. 1344(f)(8) and 1377) and inserting ''environmental quality incentives program established under chapter 2 of subtitle D of the Food Security Act of 1985 (16 U.S.C. 3838 et seq.)''.

(B) Section 246(b) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6962(b)) is amended by striking paragraph (2).

(C) Section 126(a) of the Internal Revenue Code of 1986 is amended—

(i) by striking paragraph (6); and

(ii) by redesignating paragraphs (7) through (10) as paragraphs (6) through (9), respectively.

(c) COLORADO RIVER BASIN SALINITY CONTROL PROGRAM.—

Section 202(c) of the Colorado River Basin Salinity Control Act (43 U.S.C. 1592(c)) is amended by striking paragraph (1) and inserting the following:

''(1) The Secretary of Agriculture shall implement salinity control measures, including watershed enhancement and cost-sharing efforts with livestock and crop producers, as part of the Agricultural Conservation Assistance Program established under section 312 of the Conservation Consolidation and Regulatory Reform Act of 1996.''.

(d) RURAL ENVIRONMENTAL CONSERVATION PROGRAM.—

(1) ELIMINATION.—Title X of the Agricultural Act of 1970 (16 U.S.C. 1501 et seq.) is repealed.

(2) CONFORMING AMENDMENTS.—Section 246(b) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6962(b)) is amended—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (8) as paragraphs (1) through (7), respectively.

(e) OTHER CONSERVATION PROVISIONS.—Subtitle F of title XII of the Food Security Act of 1985 (16 U.S.C. 2005a and 2101 note) is repealed.

(f) COMMODITY CREDIT CORPORATION CHARTER ACT.—Section 5(g) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c(g)) is amended to read as follows:

''(g) Carry out conservation functions and programs.''.

(g) RESOURCE CONSERVATION.—

(1) ELIMINATION.—Subtitles A, B, D, E, F, G, and J of title XV of the Agriculture and Food Act of 1981 (95 Stat. 1328; 16 U.S.C. 3401 et seq.) are repealed.

(2) CONFORMING AMENDMENT.—Section 739 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1982 (7 U.S.C. 2272a), is repealed.

(h) ENVIRONMENTAL EASEMENT PROGRAM.—Section 1239(a) of the Food Security Act of 1985 (16 U.S.C. 3839(a)) is amended by striking ''1991 through 1995'' and inserting ''1996 through 2002''.

(i) RESOURCE CONSERVATION AND DEVELOPMENT PROGRAM.—Section 1538 of the Agriculture and Food Act of 1981 (16 U.S.C. 3461) is amended by striking ''1991 through 1995'' and inserting ''1996 through 2002''.

(j) TECHNICAL AMENDMENT.—The first sentence of the matter under the heading ''Commodity Credit Corporation'' of Public Law 99–263 (100 Stat. 59; 16 U.S.C. 3841 note) is amended by striking '': Provided further,'' and all that follows through ''Acts''.

(k) AGRICULTURAL WATER QUALITY INCENTIVES PROGRAM.—Chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838 et seq.) is repealed.

SEC. 355. WATER BANK PROGRAM.

Section 1230 of the Food Security Act of 1985 (16 U.S.C. 3830) is amended by adding at the end the following:

''(d) WATER BANK PROGRAM.—For purposes of this Act, acreage enrolled, prior to the date of enactment of this subsection, in the water bank program authorized by the Water Bank Act (16 U.S.C. 1301 et seq.) shall be considered to have been enrolled in the conservation reserve program on the date the acreage was enrolled in the water bank program. Payments shall continue at the existing water bank rates.''.

SEC. 356. FLOOD WATER RETENTION PILOT PROJECTS.

Section 16 of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590p) is amended by adding at the end the following:

''(l) FLOOD WATER RETENTION PILOT PROJECTS.—

''(1) IN GENERAL.—In cooperation with States, the Secretary shall carry out at least 1 but not more than 2 pilot projects to create and restore natural water retention areas to control storm water and snow melt runoff within closed drainage systems.

''(2) PRACTICES.—To carry out paragraph (1), the Secretary shall provide cost-sharing and technical assistance for the establishment of nonstructural landscape management practices, including agricultural tillage practices and restoration, enhancement, and creation of wetland characteristics.

''(3) FUNDING.—

''(A) LIMITATION.—The funding used by the Secretary to carry out this subsection shall not exceed $10,000,000 per project.

''(B) USE OF COMMODITY CREDIT CORPORATION.—The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this subsection.

''(4) ADDITIONAL PILOT PROJECTS.—

''(A) EVALUATION.—Not later than 2 years after a pilot project is implemented, the Secretary shall evaluate the extent to which the project has reduced or may reduce Federal outlays for emergency spending and unplanned infrastructure maintenance by an amount that exceeds the Federal cost of the project.

''(B) ADDITIONAL PROJECTS.—If the Secretary determines that pilot projects carried out under this subsection have reduced or may reduce Federal outlays as described in subparagraph (A), the Secretary may carry out, in accordance with this subsection, pilot projects in addition to the projects authorized under paragraph (1).''.

SEC. 357. WETLAND CONSERVATION EXEMPTION.

Section 1222(b)(1) of the Food Security Act of 1985 (16 U.S.C. 3822(b)(1)) is amended—

(1) in subparagraph (C), by striking ''or'' at the end; and

(2) by adding at the end the following:

''(E) converted wetland, if—

''(i) the extent of the conversion is limited to the reversion to conditions that will be at least equivalent to the wetland functions and values that existed prior to implementation of a voluntary wetland restoration, enhancement, or creation action;

''(ii) technical determinations of the prior site conditions and the restoration, enhancement, or creation action have been adequately documented in a plan approved by the Natural Resources Conservation Service prior to implementation; and

''(iii) the conversion action proposed by the private landowner is approved by the Natural Resources Conservation Service prior to implementation; or''.

SEC. 358. RESOURCE CONSERVATION AND DEVELOPMENT PROGRAM REAUTHORIZATION.

Section 1538 of the Agriculture and Food Act of 1981 (16 U.S.C. 3461) is amended by striking ''1991 through 1995'' and inserting ''1996 through 2001''.

SEC. 359. CONSERVATION RESERVE NEW ACREAGE.

Section 1231(a) of the Food Security Act of 1985 (16 U.S.C. 3831(a)) is amended by adding at the end the following: ''The Secretary may enter into 1 or more new contracts to enroll acreage in a quantity equal to the quantity of acreage covered by any contract that terminates after the date of enactment of the Agricultural Market Transition Act.''.

SEC. 360. REPEAL OF REPORT REQUIREMENT.

Section 1342 of title 44, United States Code, is repealed.

SEC. 361. WATERSHED PROTECTION AND FLOOD PREVENTION ACT AMENDMENTS.

(a) DECLARATION OF POLICY.—The first section of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001) is amended to read as follows:

''SECTION 1. DECLARATION OF POLICY.

''Erosion, flooding, sedimentation, and loss of natural habitats in the watersheds and waterways of the United States cause loss of life, damage to property, and a reduction in the quality of environment and life of citizens. It is therefore the sense of Congress that the Federal Government should join with States and their political subdivisions, public agencies, conservation districts, flood prevention or control districts, local citizens organizations, and Indian tribes for the purpose of conserving, protecting, restoring, and improving the land and water resources of the United States and the quality of the environment and life for watershed residents across the United States.''.

(b) DEFINITIONS.—

(1) WORKS OF IMPROVEMENT.—Section 2 of the Act (16 U.S.C. 1002) is amended, with respect to the term ''works of improvement''—

(A) in paragraph (1), by inserting '', nonstructural,'' after ''structural'';

(B) in paragraph (2), by striking ''or'' at the end;

(C) by redesignating paragraph (3) as paragraph (11);

(D) by inserting after paragraph (2) the following new paragraphs:

''(3) a land treatment or other nonstructural practice, including the acquisition of easements or real property rights, to meet multiple watershed needs,

''(4) the restoration and monitoring of the chemical, biological, and physical structure, diversity, and functions of waterways and their associated ecological systems,

''(5) the restoration or establishment of wetland and riparian environments as part of a multi-objective management system that provides floodwater or storm water storage, detention, and attenuation, nutrient filtering, fish and wildlife habitat, and enhanced biological diversity,

''(6) the restoration of steam channel forms, functions, and diversity using the principles of biotechnical slope stabilization to reestablish a meandering, bankfull flow channels, riparian vegetation, and floodplains,

''(7) the establishment and acquisition of multi-objective riparian and adjacent flood prone lands, including greenways, for sediment storage and floodwater storage,

''(8) the protection, restoration, enhancement and monitoring of surface and groundwater quality, including measures to improve the quality of water emanating from agricultural lands and facilities,

''(9) the provision of water supply and municipal and industrial water supply for rural communities having a population of less than 55,000, according to the most recent decennial census of the United States,

''(10) outreach to and organization of local citizen organizations to participate in project design and implementation, and the training of project volunteers and participants in restoration and monitoring techniques, or''; and

(E) in paragraph (11) (as so redesignated)—

(i) by inserting in the first sentence after ''proper utilization of land'' the following: '', water, and related resources''; and

(ii) by striking the sentence that mandates that 20 percent of total project benefits be directly related to agriculture.

(2) LOCAL ORGANIZATION.—Such section is further amended, with respect to the term ''local organization'', by adding at the end the following new sentence: ''The term includes any nonprofit organization (defined as having tax exempt status under section 501(c)(3) of the Internal Revenue Code of 1986) that has authority to carry out and maintain works of improvement or is developing and implementing a work of improvement in partnership with another local organization that has such authority.''.

(3) WATERWAY.—Such section is further amended by adding at the end the following new definition:

''WATERWAY.—The term 'waterway' means, on public or private land, any natural, degraded, seasonal, or created wetland on public or private land, including rivers, streams, riparian areas, marshes, ponds, bogs, mudflats, lakes, and estuaries. The term includes any natural or manmade watercourse which is culverted, channelized, or vegetatively cleared, including canals, irrigation ditches, drainage wages, and navigation, industrial, flood control and water supply channels.''.

(c) ASSISTANCE TO LOCAL ORGANIZATIONS.—Section 3 of the Act (16 U.S.C. 1003) is amended—

(1) in paragraph (1), by inserting after ''(1)'' the following ''to provide technical assistance to help local organizations'';

(2) in paragraph (2)—

(A) by inserting after ''(2)'' the following: ''to provide technical assistance to help local organizations''; and

(B) by striking ''engineering'' and inserting ''technical and scientific''; and

(3) by striking paragraph (3) and inserting the following new paragraph:

''(3) to make allocations of costs to the project or project components to determine whether the total of all environmental, social, and monetary benefits exceed costs;''.

(d) COST SHARE ASSISTANCE.—

(1) AMOUNT OF ASSISTANCE.—Section 3A of the Act (16 U.S.C. 1003a) is amended by striking subsection (b) and inserting the following:

''(b) NONSTRUCTURAL PRACTICES.—Notwithstanding any other provision of this Act, Federal cost share assistance to local organizations for the planning and implementation of nonstructural works of improvement may be provided using funds appropriated for the purposes of this Act for an amount not exceeding 75 percent of the total installation costs.

''(c) STRUCTURAL PRACTICES.—Notwithstanding any other provision of this Act, Federal cost share assistance to local organizations for the planning and implementation of structural works of improvement may be provided using funds appropriated for the purposes of this Act for 50 percent of the total cost, including the cost of mitigating damage to fish and wildlife habitat and the value of any land or interests in land acquired for the work of improvement.

''(d) SPECIAL RULE FOR LIMITED RESOURCE COMMUNITIES.—Notwithstanding any other provision of this Act, the Secretary may provide cost share assistance to a limited resource community for any works of improvement, using funds appropriated for the purposes of this Act, for an amount not to exceed 90 percent of the total cost.

''(e) TREATMENT OF OTHER FEDERAL FUNDS.—Not more than 50 percent of the non-Federal cost share may be satisfied using funds from other Federal agencies.''.

(2) CONDITIONS ON ASSISTANCE.—Section 4(1) of the Act (16 U.S.C. 1004(1)) is amended by striking '', without cost to the Federal Government from funds appropriated for the purposes of this Act,''.

(e) BENEFIT COST ANALYSIS.—Section 5(1) of the Act (16 U.S.C. 1005(1)) is amended by striking ''the benefits'' and inserting ''the total benefits, including environmental, social, and monetary benefits,''.

(f) PROJECT PRIORITIZATION.—The Watershed Protection and Flood Prevention Act is amended by inserting after section 5 (16 U.S.C. 1005) the following new section:

''SEC. 5A. FUNDING PRIORITIES.

''In making funding decisions under this Act, the Secretary shall give priority to projects with one or more of the following attributes:

''(1) Projects providing significant improvements in ecological values and functions in the project area.

''(2) Projects that enhance the long-term health of local economies or generate job or job training opportunities for local residents, including Youth Conservation and Service Corps participants and displaced resource harvesters.

''(3) Projects that provide protection to human health, safety, and property.

''(4) Projects that directly benefit economically disadvantaged communities and enhance participation by local residents of such communities.

''(5) Projects that restore or enhance fish and wildlife species of commercial, recreational, subsistence or scientific concern.

''(6) Projects or components of projects that can be planned, designed, and implemented within two years.''.

(g) TRANSFER OF FUNDS.—The Watershed Protection and Flood Prevention Act (16 U.S.C. 1001–1010) is amended by adding at the end the following new section:

''SEC. 14. TRANSFERS OF FUNDS.

''The Secretary may accept transfers of funds from other Federal departments and agencies in order to carry out projects under this Act.''.

TITLE IV—NUTRITION ASSISTANCE

SEC. 401. FOOD STAMP PROGRAM.

(a) DISQUALIFICATION OF A STORE OR CONCERN.—Section 12 of the Food Stamp Act of 1977 (7 U.S.C. 2021) is amended—

(1) by striking the section heading;

(2) by striking ''SEC. 12. (a) Any'' and inserting the following:

''SEC. 12. CIVIL MONEY PENALTIES AND DISQUALIFICATION OF RETAIL FOOD STORES AND WHOLESALE FOOD CONCERNS.

''(a) DISQUALIFICATION.—

''(1) IN GENERAL.—An'';

(3) by adding at the end of subsection (a) the following:

''(2) EMPLOYING CERTAIN PERSONS.—A retail food store or wholesale food concern shall be disqualified from participation in the food stamp program if the store or concern knowingly employs a person who has been found by the Secretary, or a Federal, State, or local court, to have, within the preceding 3-year period—

''(A) engaged in the trading of a firearm, ammunition, an explosive, or a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) for a coupon; or

''(B) committed any act that constitutes a violation of this Act or a State law relating to using, presenting, transferring, acquiring, receiving, or possessing a coupon, authorization card, or access device.''; and

(4) in subsection (b)(3)(B), by striking ''neither the ownership nor management of the store or food concern was aware'' and inserting ''the ownership of the store or food concern was not aware''.

(b) EMPLOYMENT AND TRAINING.—Section 16(h)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2025(h)(1)) is amended by striking ''1995'' each place it appears and inserting ''2002''.

(c) AUTHORIZATION OF PILOT PROJECTS.—The last sentence of section 17(b)(1)(A) of the Food Stamp Act of 1977 (7 U.S.C. 2026(b)(1)(A)) is amended by striking ''1995'' and inserting ''2002''.

(d) OUTREACH DEMONSTRATION PROJECTS.—The first sentence of section 17(j)(1)(A) of the Food Stamp Act of 1977 (7 U.S.C. 2026(j)(1)(A)) is amended by striking ''1995'' and inserting ''2002''.

(e) AUTHORIZATION FOR APPROPRIATIONS.—The first sentence of section 18(a)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2027(a)(1)) is amended by striking ''1995'' and inserting ''2002''.

(f) REAUTHORIZATION OF PUERTO RICO NUTRITION ASSISTANCE PROGRAM.—The first sentence of section 19(a)(1)(A) of the Food Stamp Act of 1977 (7 U.S.C. 2028(a)(1)(A)) is amended by striking ''$974,000,000'' and all that follows through ''fiscal year 1995'' and inserting ''$1,143,000,000 for fiscal year 1996, $1,174,000,000 for fiscal year 1997, $1,204,000,000 for fiscal year 1998, $1,236,000,000 for fiscal year 1999, $1,268,000,000 for fiscal year 2000, $1,301,000,000 for fiscal year 2001, and $1,335,000,000 for fiscal year 2002''.

(g) AMERICAN SAMOA.—The Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.) is amended by adding at the end the following:

''SEC. 24. TERRITORY OF AMERICAN SAMOA.

''From amounts made available to carry out this Act, the Secretary may pay to the Territory of American Samoa not more than $5,300,000 for each of fiscal years 1996 through 2002 to finance 100 percent of the expenditures for the fiscal year for a nutrition assistance program extended under section 601(c) of Public Law 96–597 (48 U.S.C. 1469d(c)).''.

SEC. 402. COMMODITY DISTRIBUTION PROGRAM; COMMODITY SUPPLEMENTAL FOOD PROGRAM.

(a) REAUTHORIZATION.—The first sentence of section 4(a) of the Agriculture and Consumer Protection Act of 1973 (Public Law 93–86; 7 U.S.C. 612c note) is amended by striking ''1995'' and inserting ''2002''.

(b) FUNDING.—Section 5 of the Agriculture and Consumer Protection Act of 1973 (Public Law 93–86; 7 U.S.C. 612c note) is amended—

(1) in subsection (a)(2), by striking ''1995'' and inserting ''2002''; and

(2) in subsection (d)(2), by striking ''1995'' and inserting ''2002''.

(c) CARRIED-OVER FUNDS.—20 percent of any commodity supplemental food program funds carried over under section 5 of the Agriculture and Consumer Protection Act of 1973 (Public Law 93–86; 7 U.S.C. 612c note) shall be available for administrative expenses of the program.

SEC. 403. EMERGENCY FOOD ASSISTANCE PROGRAM.

(a) REAUTHORIZATION.—The first sentence of section 204(a)(1) of the Emergency Food Assistance Act of 1983 (Public Law 98–8; 7 U.S.C. 612c note) is amended by striking ''1995'' and inserting ''2002''.

(b) PROGRAM TERMINATION.—Section 212 of the Emergency Food Assistance Act of 1983 (Public Law 98–8; 7 U.S.C. 612c note) is amended by striking ''1995'' and inserting ''2002''.

(c) REQUIRED PURCHASES OF COMMODITIES.—Section 214 of the Emergency Food Assistance Act of 1983 (Public Law 98–8; 7 U.S.C. 612c note) is amended—

(1) in the first sentence of subsection (a), by striking ''1995'' and inserting ''2002''; and

(2) in subsection (e), by striking ''1995'' each place it appears and inserting ''2002''.

SEC. 404. SOUP KITCHENS PROGRAM.

Section 110 of the Hunger Prevention Act of 1988 (Public Law 100–435; 7 U.S.C. 612c note) is amended—

(1) in the first sentence of subsection (a), by striking ''1995'' and inserting ''2002''; and

(2) in subsection (c)(2)—

(A) in the paragraph heading, by striking ''1995'' and inserting ''2002''; and

(B) by striking ''1995'' each place it appears and inserting ''2002''.

SEC. 405. NATIONAL COMMODITY PROCESSING.

The first sentence of section 1114(a)(2)(A) of the Agriculture and Food Act of 1981 (7 U.S.C. 1431e(2)(A)) is amended by striking ''1995'' and inserting ''2002''.

TITLE V—MISCELLANEOUS

SEC. 501. INVESTMENT FOR AGRICULTURE AND RURAL AMERICA.

Section 5 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c) is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following:

''(g) Make available $2,000,000,000 for the following purposes:

''(1) Conducting rural development activities pursuant to existing rural development authorities.

''(2) Conducting research, education, and extension activities pursuant to existing research, education, and extension authorities.''.

SEC. 502. COLLECTION AND USE OF AGRICULTURAL QUARANTINE AND INSPECTION FEES.

Subsection (a) of section 2509 of the Food, Agriculture, Conservation, and Trade Act of 1990 (21 U.S.C. 136a) is amended to read as follows:

''(a) QUARANTINE AND INSPECTION FEES.—

''(1) FEES AUTHORIZED.—The Secretary of Agriculture may prescribe and collect fees sufficient—

''(A) to cover the cost of providing agricultural quarantine and inspection services in connection with the arrival at a port in the customs territory of the United States, or the preclearance or preinspection at a site outside the customs territory of the United States, of an international passenger, commercial vessel, commercial aircraft, commercial truck, or railroad car;

''(B) to cover the cost of administering this subsection; and

''(C) through fiscal year 2002, to maintain a reasonable balance in the Agricultural Quarantine Inspection User Fee Account established under paragraph (5).

''(2) LIMITATION.—In setting the fees under paragraph (1), the Secretary shall ensure that the amount of the fees are commensurate with the costs of agricultural quarantine and inspection services with respect to the class of persons or entities paying the fees. The costs of the services with respect to passengers as a class includes the costs of related inspections of the aircraft or other vehicle.

''(3) STATUS OF FEES.—Fees collected under this subsection by any person on behalf of the Secretary are held in trust for the United States and shall be remitted to the Secretary in such manner and at such times as the Secretary may prescribe.

''(4) LATE PAYMENT PENALTIES.—If a person subject to a fee under this subsection fails to pay the fee when due, the Secretary shall assess a late payment penalty, and the overdue fees shall accrue interest, as required by section 3717 of title 31, United States Code.

''(5) AGRICULTURAL QUARANTINE INSPECTION USER FEE ACCOUNT.—

''(A) ESTABLISHMENT.—There is established in the Treasury of the United States a no-year fund, to be known as the 'Agricultural Quarantine Inspection User Fee Account', which shall contain all of the fees collected under this subsection and late payment penalties and interest charges collected under paragraph (4) through fiscal year 2002.

''(B) USE OF ACCOUNT.—For each of the fiscal years 1996 through 2002, funds in the Agricultural Quarantine Inspection User Fee Account shall be available, in such amounts as are provided in advance in appropriations Acts, to cover the costs associated with the provision of agricultural quarantine and inspection services and the administration of this subsection. Amounts made available under this subparagraph shall be available until expended.

''(C) EXCESS FEES.—Fees and other amounts collected under this subsection in any of the fiscal years 1996 through 2002 in excess of $100,000,000 shall be available for the purposes specified in subparagraph (B) until expended, without further appropriation.

''(6) USE OF AMOUNTS COLLECTED AFTER FISCAL YEAR 2002.—After September 30, 2002, the unobligated balance in the Agricultural Quarantine Inspection User Fee Account and fees and other amounts collected under this subsection shall be credited to the Department of Agriculture accounts that incur the costs associated with the provision of agricultural quarantine and inspection services and the administration of this subsection. The fees and other amounts shall remain available to the Secretary until expended without fiscal year limitation.

''(7) STAFF YEARS.—The number of full-time equivalent positions in the Department of Agriculture attributable to the provision of agricultural quarantine and inspection

services and the administration of this subsection shall not be counted toward the limitation on the total number of full-time equivalent positions in all agencies specified in section 5(b) of the Federal Workforce Restructuring Act of 1994 (Public Law 103–226; 5 U.S.C. 3101 note) or other limitation on the total number of full-time equivalent positions.''.

SEC. 503. EVERGLADES AGRICULTURAL AREA.

(a) IN GENERAL.—On July 1, 1996, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall provide $200,000,000 to the Secretary of the Interior to carry out this section.

(b) ENTITLEMENT.—The Secretary of the Interior—

(1) shall accept the funds made available under subsection (a);

(2) shall be entitled to receive the funds; and

(3) shall use the funds to conduct restoration activities in the Everglades ecosystem, which may include acquiring private acreage in the Everglades Agricultural Area including approximately 52,000 acres that is commonly known as the ''Talisman tract''.

(c) TRANSFERRING FUNDS.—The Secretary of the Interior may transfer funds to the Army Corps of Engineers, the State of Florida, or the South Florida Water Management District to carry out subsection (b)(3).

(d) DEADLINE.—Not later than December 31, 1999, the Secretary of the Interior shall utilize the funds for restoration activities referred to in subsection (b)(3).

Mr. STENHOLM (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. ROBERTS. Reserving the right to object, Mr. Speaker, I would like to inquire of the Chair, in terms of the requirement of reading what is contained in the motion to recommit, it is my understanding there are 229 pages of the proposal. We have not seen these 229 pages. Could the Chair inform me if, in fact, there are 229 pages and was the Clerk going to read all 229?

The SPEAKER pro tempore. Unless the reading is dispensed with, the Clerk will read the full 229 pages.

Mr. ROBERTS. Mr. Speaker, continuing my reservation of objection, I would like to inform the Members of the House that I am certainly not going to have the Clerk read the 229 pages. But we do not know what is in the motion to recommit. We have a summary here that has been handed to me about 30 seconds ago and, under my reservation, perhaps if the gentleman from Texas could answer several questions, we could expedite the process.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Speaker, I will be happy to briefly explain the amendment in careful, concise language so that everyone can understand it.

Mr. ROBERTS. Mr. Speaker, under the circumstances, since we will be allotted the appropriate time to do that, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas [Mr. STENHOLM].

Mr. ROBERTS. Mr. Speaker, I reserve a point of order against the motion to recommit in regards to the addition of a nutrition program which is not permitted in the rule.

The SPEAKER pro tempore. The gentleman reserves a point of order.

The Chair recognizes the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Speaker, title I includes the provisions from the Senate-passed farm bill: Restores the rice payment, eliminates the peanut loan rate penalty, provides oilseed market loans at 85 percent, retains current dairy law but prohibits the collection of assessments in calendar year 1996. A refund is provided for those already collected. Requires contract acres to be devoted to agricultural uses, allows operators to sign for contracts, CRP equipment, at the same time but only if already eligible for CRP.

Summary of the trade title: It includes the Roth amendment as approved by the House. It reauthorizes market promotion export enhancement, exports credit guarantees, food for progress, farmer to farmer and food aid programs, provides greater flexibility in the administration of export programs. Promotes export of dairy products to the maximum extent possible consistent with WTO commitments, increases the amount and variety of food that may be drawn each year from emergency reserves.

In the conservation title: It includes the CRP Program as authorized under the House-passed version today, exactly the CRP as was approved by the full House. It also includes a wetlands reserve program, an environmental quality incentive program better known as EQIP.

It also provides under subtitle B, Conservation Funding: CCC funding is authorized for CRP, WRP, and EQIP. In EQIP, 50 percent of the funding is targeted to livestock producers.

Under miscellaneous, we include the Senate miscellaneous provisions on forestry, State technical committees, conservation, and private grazing lands.

A summary of the nutrition title; this is very important to a large number of Members: It reauthorizes for 7 years the Food Stamp Program and the commodity distribution programs, including the Emergency Food Assistance Program, better known as TEFAP.

It also ensures funding for 7 years for the modified Food Stamp Program and in American Samoa that benefits the elderly, blind, and disabled.

Under miscellaneous, it includes the Fund for Rural America, what we just debated but was defeated. We also include the Everglades amendment, exactly providing the $200 million to the Secretary of the Interior to conduct restoration activities in the Florida Everglades for the purpose of private acreage within the Everglades agricultural area.

It is the language that was included in the Senate bill and also what we just approved earlier in the amending process.

There is also a technical amendment dealing with AQI.

I urge support of the motion to recommit. I might also say, if I have additional time, it is supported by numerous organizations from the producing side of the communities, the environmental community, and the food and nutrition community. It also answers many of the questions that the secretary has had about the legislation before us.

We believe that it will expedite, and this is the final point I would make of our recommittal, if there is one thing that I would hang my hat on, I believe that this recommittal would in fact expedite the consideration so that our farmers who have been waiting for months for a farm bill will be able to get it out of Congress to the President in a form he will sign and do it expeditiously. That is something that everyone wants.

POINT OF ORDER

The SPEAKER pro tempore. Does the gentleman from Kansas [Mr. ROBERTS] insist on his point of order?

Mr. ROBERTS. I do, Mr. Speaker, I insist on my point of order.

It is my understanding there is a nutrition program extension; that is, the Food Stamp Program included. This is not included in H.R. 2854. It is an entitlement program that amounts to about 50 percent of the ag appropriations each year. This is a 7-year extension, not germane to the rest of the bill. I insist on my point of order.

The SPEAKER pro tempore Does the gentleman from Texas [Mr. STENHOLM] wish to be heard on the point of order?

Mr. STENHOLM. I do, Mr. Speaker.

If the gentleman from Kansas insists that the nutrition programs dealing with the feeding of the people with the food that is produced by our farmers should be stricken from this farm bill, I will extract that from our recommittal so that no longer is an issue because I understand the point of order.

The SPEAKER pro tempore. The Chair is prepared to rule on the point of order.

The amendment proposed in the motion to recommit, among other things, amends the Food Stamp Act. The bill as amended does not amend that act, nor does it otherwise address nutrition assistance programs.

□ 1400

The bill, as perfected, addresses production and distribution of agricultural products and not the food programs.

Therefore, the point of order is sustained.

Does the gentleman from Texas [Mr. STENHOLM] have another motion?

MOTION TO RECOMMIT OFFERED BY MR. STENHOLM

Mr. STENHOLM. Mr. Speaker, I ask unanimous consent that the recommittal be resubmitted with the point of order that has just been sustained, that portion dealing with nutrition programs be extracted from the consideration, everything else shall remain as previously explained.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from Texas?

Mr. SOLOMON. Reserving the right to object, Mr. Speaker, and I would ask the gentleman a question. He knows that the Solomon amendment passed by a vote, an overwhelming vote, on this.

The gentleman from Texas [Mr. STENHOLM] knows that the Solomon amendment, which carried overwhelmingly, almost 2 to 1 on the gentleman's side of the aisle, same thing on our side of the aisle, would have made the corrections and we would have been able to go to conference with the Senate.

The gentleman is repealing the Solomon amendment in his motion to recommit; is that correct?

Mr. STENHOLM. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Texas.

Mr. STENHOLM. Mr. Speaker, the gentleman is correct.

Mr. SOLOMON. Mr. Speaker, reclaiming my time, let us hope everybody understands that because the gentleman is trying to again make the Gunderson proposal in the dairy bill right now, which is going to increase the cost of milk 20 to 40 cents per gallon, and the gentleman knows it, and that is what we want to be able to go and negotiate in conference.

Mr. STENHOLM. Mr. Speaker, if the gentleman would continue to yield, I thank the gentleman because his first question was correct; his restatement of the question was not correct. We are not putting the Gunderson amendment back in. The gentleman is correct; the House voted overwhelmingly against the Gunderson compromise amendment. We are not putting that back in, but we are in fact repealing the Solomon amendment because there is a general belief that many who voted for the gentleman last night did so because of concerns of the nutrition programs.

Mr. SOLOMON. On that point the nutrition program now is removed; right? The gentleman just removed the Food Stamp Program reauthorization; is that correct?

Mr. STENHOLM. That is correct.

Mr. SOLOMON. OK.

Mr. STENHOLM. Not at our request, I would say to the gentleman. We preferred to have the nutrition programs in this bill, but it was at the request of a point of order of those that choose not to have them included that they were extracted.

Mr. SOLOMON. Just briefly continuing my reservation, I am just going to tell the gentleman he knows very well what is going to happen when we get to conference. We all know that the existing dairy language is what the Committee on Agriculture Subcommittee on Dairy wants. They will be fighting for that. That is going to affect everybody's district in this House right now. We better vote down this motion to recommit.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. VOLKMER. Reserving the right to object, Mr. Speaker, it is my understanding that the dairy provision in the motion to recommit permits the dairy program that presently exists to expire at the end of this year. Is that correct or incorrect?

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. VOLKMER. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, the gentleman is correct.

Mr. VOLKMER. And there is no Gunderson proposal or anything else in this recommittal motion that can go to conference because there is not anything like that in here. The provision in here just lets it expire at the end of this year. Now it is going to be whether we do something or not before the end of the year if we want to do something, but the gentleman from New York [Mr. SOLOMON] is completely wrong in what he said about the dairy provision that is in here. All it does is permit the dairy provision to expire at the end of this year, what it does under present law.

Mr. STENHOLM. Mr. Speaker, will the gentleman yield?

Mr. VOLKMER. I yield to the gentleman from Texas.

Mr. STENHOLM. I thank the gentleman for yielding and would point out again that we do repeal the assessments on our dairy farmers which gives some equivalence to the dairy industry as compared to the market transition program, as compared what we tried to do for the soybean producers and oil seeds.

Mr. VOLKMER. That is correct.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. Without objection, the second motion to recommit is considered read.

There was no objection.

(For text of motion to recommit see prior motion to recommit, minus title IV, and redesignate title V as title IV.)

The SPEAKER pro tempore. The gentleman from Texas [Mr. STENHOLM] is recognized for 5 minutes.

Mr. STENHOLM. Mr. Speaker, in the interest of time I believe that we have fully explained our original amendment. Nothing has changed other than we removed the onerous nutrition components to the bill. The rest of it is as was explained.

Mr. ROBERTS. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Kansas [Mr. ROBERTS] is recognized for 5 minutes.

Mr. ROBERTS. Mr. Speaker, may I ask the gentleman from Texas what is in his AQI technical amendment?

Mr. STENHOLM. Mr. Speaker, will the gentleman yield?

Mr. ROBERTS. I yield to the gentleman from Texas.

Mr. STENHOLM. AQI technical amendment?

Mr. ROBERTS. That amendment was withdrawn by the gentleman from Louisiana [Mr. LIVINGSTON]. It is extremely important to Florida, California, whatever.

Mr. STENHOLM. That is in the bill, in the gentleman's bill, that has already been adopted. We added that as part of our bill because we agreed with the wisdom of the majority.

Mr. ROBERTS. It is a minor point.

Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. THOMAS].

Mr. THOMAS. Mr. Speaker, this motion to recommit has 229 pages. What he did not tell you that is in those 229 pages was that we just voted on a measure for $3.5 billion, almost 100 Members of the House said no, it is in there. There are a number of other items that are in there that have been defeated. What my colleagues have got to do is understand that interesting dialog about the fact that Gunderson is not in here for the milk provision. I will tell my colleagues where the gentleman from Wisconsin will be. He will be at the table during the conference. Our colleagues will not be. If my colleagues voted yes for Solomon, they have to vote no on the motion to recommit because he is going to be at the table and my colleagues are not.

Mr. ROBERTS. Mr. Speaker, I realize this farm bill debate has been like Lonesome Dove; we are almost home, and we have all of our body parts, and we will get there if we will just pay a little bit of attention.

This is a revote on some of the amendments that we have just considered. As has been indicated by the gentleman from California, the $3.5 billion in regard to rural development, we all know we would like to have rural development, but it is $3.5 billion. We just voted on that.

We have another situation in regard to conservation funding. The gentleman from Nebraska [Mr. BARRETT], the gentleman from New York [Mr. BOEHLERT], and the rest of us put together a package, and this package is another $300 million over that which we cannot afford.

Then again, as the gentleman from New York [Mr. SOLOMON] has pointed out in regard to dairy, there are significant reductions in regard to the dairy program.

So this is simply a repeat of past amendments we have had before, and I must say in terms of a motion to recommit with 229 pages that nobody has seen up there—well, somebody had to see it—that nobody has really perused to know what is in it, we at least know in terms of cost and policy these are amendments that we voted on before. We ought to get on with it.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to express my views on H.R. 2854, the Agricultural Market Transition Act, and the Democratic substitute to H.R. 2854, which is being offered by my distinguished colleague from Texas, Mr. DE LA GARZA. First, there are not a lot of farms in the 18th Congressional District, which I am privileged to represent, but these agricultural programs, through the cost of prices at the local grocery store, affect all Americans. This bill is important to the State of Texas because Texas is a large, agricultural producing State and Texas needs an efficient and effective agricultural system to keep our economy strong.

Most Members of Congress realize the great need for reform of our system of deficiency payments to farmers and the need for greater attention to issues relating to conservation and rural development. H.R. 2854, however, is not the answer to all of our dreams of agricultural reform. It goes too far by repealing the agricultural law of 1949. It is important to note that the Senate recently passed a farm bill that did not repeal this important law.

Second, H.R. 2854 does not contain sufficient funding for programs relating to conservation, rural development, research, education and cooperative extension. These programs are critical to improving the quality of life for millions of Americans.

Third, unlike the Senate bill, H.R. 2854 does not reauthorize nutrition programs, which have made a tremendous difference in the lives of children in the 18th Congressional District and around the country.

Congressman DE LA GARZA'S substitute is a noble attempt to improve upon H.R. 2854. It would restore funding for some very important agricultural and conservation programs. His substitute would also help preserve an endangered species, the small farmer. I also support the motion to recommit which reauthorized Federal nutrition programs, among other, important farm laws.

I understand that these issues are controversial and emotional, particularly as we make changes in the various commodity programs. I urge my colleagues to support the de la Garza substitute, and the motion to recommit. Both are a better approach than H.R. 2854 in resolving some of these contentious issues.

Mr. ORTIZ. Mr. Speaker, I rise in support of the de la Garza motion and ask unanimous consent to revise and extend my remarks.

This provision would provide the gravely needed allocation of funds to this farm bill for rural development activities.

H.R. 2854 does not adequately address critical rural development needs.

The motion to recommit would provide funding for rural housing, water and waste facilities and rural business development.

The district I represent has a number of colonias with substandard health and living conditions.

As you may know, colonias are unincorporated rural subdivisions situated along the border region.

Colonias are characterized by dense population, rundown housing, lack of sanitary sewerage, drainage, and potable water systems as well as unpaved roads.

Unemployment is high, and diseases are numerous.

Often such communities are ignored by our Federal Government.

This amendment would provide greatly needed Federal assistance in upgrading vital basic services in this area.

Without such funding we will be mandating local rural governments to respond to the increasing demand for water and waste disposal and other programs at a time when their tax base is shrinking, employment is declining and consumer spending is weakening.

Our Nation has a long history of assisting rural communities in the development of water and waste facilities.

Now is not the time to abandon this effort when basic sanitation is unavailable to our citizens in rural areas along the United States-Mexico border.

For these reasons, I urge my colleagues to vote in support of my good friend, Representative KIKA DE LA GARZA's motion to recommit.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. STENHOLM. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 156, nays 267, not voting 8, as follows:

[Roll No. 41]

YEAS—156

Abercrombie	Durbin	Kennedy (MA)
Ackerman	Edwards	Kennelly
Baesler	Engel	Kildee
Baldacci	Eshoo	Klink
Barcia	Evans	Klug
Becerra	Farr	LaFalce
Beilenson	Fattah	Lantos
Bentsen	Fazio	Levin
Bevill	Fields (LA)	Lewis (CA)
Bishop	Filner	Lewis (GA)
Bonior	Flake	Lincoln
Borski	Foglietta	Lipinski
Brewster	Ford	Maloney
Browder	Frost	Manton
Brown (CA)	Gephardt	Markey
Brown (OH)	Geren	Martinez
Bryant (TX)	Gibbons	Mascara
Camp	Gonzalez	McCarthy
Chapman	Gordon	McDermott
Clay	Green	McHale
Clayton	Gunderson	Metcalf
Clement	Gutierrez	Miller (CA)
Clyburn	Gutknecht	Minge
Coleman	Hall (TX)	Mink
Collins (MI)	Hamilton	Mollohan
Condit	Harman	Montgomery
Conyers	Hefner	Moran
Costello	Hilliard	Morella
Coyne	Hinchey	Neumann
Cramer	Hoyer	Oberstar
Danner	Jackson (IL)	Obey
DeFazio	Jackson-Lee (TX)	Olver
Dellums	Jefferson	Ortiz
Deutsch	Johnson (SD)	Orton
Dicks	Johnson, E. B.	Pallone
Dingell	Johnston	Pastor
Dixon	Kaptur	Payne (NJ)
Doggett	Kennedy (RI)	Payne (VA)
Pelosi	Schroeder	Torricelli
Peterson (FL)	Sensenbrenner	Towns
Peterson (MN)	Serrano	Traficant
Petri	Skaggs	Volkmer
Pomeroy	Skelton	Ward
Poshard	Spratt	Waters
Rahall	Stenholm	Watt (NC)
Reed	Studds	Waxman
Rivers	Stupak	Williams
Roemer	Tanner	Wilson
Rose	Tejeda	Wise
Roybal-Allard	Thompson	Woolsey
Rush	Thornton	Wynn
Sabo	Thurman	
Sanders	Torres	

NAYS—267

Allard	Fowler	McKeon
Andrews	Fox	McNulty
Archer	Frank (MA)	Meehan
Armey	Franks (CT)	Meek
Bachus	Franks (NJ)	Menendez
Baker (CA)	Frelinghuysen	Meyers
Baker (LA)	Frisa	Mica
Ballenger	Funderburk	Miller (FL)
Barr	Gallegly	Moakley
Barrett (NE)	Ganske	Molinari
Barrett (WI)	Gejdenson	Moorhead
Bartlett	Gekas	Murtha
Barton	Gilchrest	Myers
Bass	Gillmor	Myrick
Bateman	Gilman	Nadler
Bereuter	Goodlatte	Neal
Berman	Goodling	Nethercutt
Bilbray	Goss	Ney
Bilirakis	Graham	Norwood
Bliley	Greenwood	Nussle
Blute	Hall (OH)	Owens
Boehlert	Hancock	Oxley
Boehner	Hansen	Packard
Bonilla	Hastert	Parker
Bono	Hastings (WA)	Paxon
Boucher	Hayes	Pickett
Brown (FL)	Hayworth	Pombo
Brownback	Hefley	Porter
Bryant (TN)	Heineman	Portman
Bunn	Herger	Pryce
Bunning	Hilleary	Quillen
Burr	Hobson	Quinn
Burton	Hoekstra	Radanovich
Buyer	Hoke	Ramstad
Callahan	Holden	Regula
Calvert	Horn	Richardson
Campbell	Hostettler	Riggs
Canady	Houghton	Roberts
Cardin	Hunter	Rogers
Castle	Hutchinson	Rohrabacher
Chabot	Hyde	Ros-Lehtinen
Chambliss	Inglis	Roth
Chenoweth	Istook	Roukema
Christensen	Jacobs	Royce
Chrysler	Johnson (CT)	Salmon
Clinger	Johnson, Sam	Sanford
Coble	Jones	Sawyer
Coburn	Kanjorski	Saxton
Collins (GA)	Kasich	Scarborough
Combest	Kelly	Schaefer
Cooley	Kennedy (RI)	Schiff
Cox	Kim	Schumer
Crane	King	Scott
Crapo	Kingston	Seastrand
Cremeans	Kleczka	Shadegg
Cubin	Knollenberg	Shaw
Cunningham	Kolbe	Shays
Davis	LaHood	Shuster
Deal	Largent	Sisisky
DeLauro	Latham	Skeen
DeLay	LaTourette	Slaughter
Diaz-Balart	Lazio	Smith (MI)
Dickey	Leach	Smith (NJ)
Dooley	Lewis (KY)	Smith (TX)
Doolittle	Lightfoot	Smith (WA)
Dornan	Linder	Solomon
Doyle	Livingston	Souder
Dreier	LoBiondo	Spence
Duncan	Lofgren	Stark
Dunn	Longley	Stearns
Ehlers	Lowey	Stockman
Ehrlich	Lucas	Stump
Emerson	Luther	Talent
English	Manzullo	Tate
Ensign	Martini	Tauzin
Everett	Matsui	Taylor (MS)
Ewing	McCollum	Taylor (NC)
Fawell	McCrery	Thomas
Fields (TX)	McDade	Thornberry
Flanagan	McHugh	Tiahrt
Foley	McInnis	Torkildsen
Forbes	McIntosh	Upton

Velazquez	Wamp	Wicker
Vento	Watts (OK)	Wolf
Visclosky	Weldon (FL)	Yates
Vucanovich	Weldon (PA)	Young (AK)
Waldholtz	Weller	Young (FL)
Walker	White	Zeliff
Walsh	Whitfield	Zimmer

NOT VOTING—8

Collins (IL)	Hastings (FL)	Rangel
de la Garza	Laughlin	Stokes
Furse	McKinney	

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Ms. VELÁZQUEZ, Mrs. MEEK of Florida, Ms. DELAURO, Ms. BROWN of Florida, and Mr. SMITH of Michigan changed their vote from ''yea'' to ''nay.''

Mr. GORDON changed his vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. STENHOLM. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 270, nays 155, not voting 6, as follows:

[Roll No. 42]

YEAS—270

Allard	Combest	Goodlatte
Archer	Condit	Goodling
Armey	Cooley	Gordon
Bachus	Costello	Graham
Baker (CA)	Cox	Greenwood
Baker (LA)	Cramer	Gunderson
Ballenger	Crane	Gutknecht
Barcia	Crapo	Hall (TX)
Barr	Cremeans	Hamilton
Barrett (NE)	Cubin	Hancock
Bartlett	Cunningham	Hansen
Barton	Danner	Hastert
Bass	Davis	Hastings (WA)
Bateman	Deal	Hayes
Bereuter	DeLay	Hayworth
Bevill	Deutsch	Hefley
Bilbray	Diaz-Balart	Hefner
Bilirakis	Dickey	Heineman
Bishop	Dingell	Herger
Bliley	Doolittle	Hilleary
Boehlert	Dornan	Hilliard
Boehner	Dreier	Hobson
Bonilla	Duncan	Hoekstra
Bono	Dunn	Horn
Boucher	Durbin	Hostettler
Brewster	Edwards	Houghton
Browder	Ehlers	Hunter
Brown (FL)	Ehrlich	Hutchinson
Brownback	Emerson	Hyde
Bryant (TN)	English	Inglis
Bunn	Ensign	Istook
Bunning	Everett	Jefferson
Burr	Ewing	Johnson (CT)
Burton	Fawell	Johnson, Sam
Buyer	Fields (LA)	Jones
Callahan	Fields (TX)	Kaptur
Calvert	Flanagan	Kasich
Camp	Foley	Kelly
Campbell	Forbes	Kim
Canady	Fowler	King
Castle	Fox	Kingston
Chabot	Franks (CT)	Knollenberg
Chambliss	Frisa	Kolbe
Chenoweth	Frost	LaHood
Christensen	Funderburk	Largent
Chrysler	Gallegly	Latham
Clinger	Ganske	LaTourette
Clyburn	Gekas	Laughlin
Coble	Gilchrest	Lazio
Coburn	Gillmor	Leach
Coleman	Gilman	Lewis (CA)
Collins (GA)	Gonzalez	Lewis (KY)
Lightfoot	Pickett	Smith (WA)
Linder	Pombo	Solomon
Lipinski	Porter	Souder
Longley	Portman	Spence
Lucas	Poshard	Spratt
Manzullo	Pryce	Stearns
McCollum	Quillen	Stenholm
McCrery	Quinn	Stockman
McDade	Radanovich	Stump
McHugh	Ramstad	Talent
McInnis	Regula	Tanner
McIntosh	Richardson	Tate
McKeon	Riggs	Tauzin
Meek	Roberts	Taylor (NC)
Menendez	Roemer	Thomas
Meyers	Rogers	Thompson
Mica	Rohrabacher	Thornberry
Mink	Ros-Lehtinen	Tiahrt
Molinari	Rose	Torricelli
Mollohan	Roukema	Upton
Montgomery	Royce	Visclosky
Moorhead	Salmon	Vucanovich
Morella	Sanford	Waldholtz
Murtha	Scarborough	Walker
Myers	Schaefer	Walsh
Myrick	Schiff	Watts (OK)
Nethercutt	Scott	Weldon (FL)
Ney	Seastrand	Weldon (PA)
Norwood	Shadegg	Weller
Nussle	Shaw	White
Ortiz	Shays	Whitfield
Orton	Shuster	Wicker
Oxley	Sisisky	Wilson
Packard	Skeen	Wolf
Parker	Skelton	Wynn
Paxon	Smith (MI)	Young (AK)
Payne (VA)	Smith (NJ)	Young (FL)
Peterson (FL)	Smith (TX)	Zeliff

NAYS—155

Abercrombie	Hall (OH)	Oberstar
Ackerman	Harman	Obey
Andrews	Hinchey	Olver
Baesler	Hoke	Owens
Baldacci	Holden	Pallone
Barrett (WI)	Hoyer	Pastor
Becerra	Jackson (IL)	Payne (NJ)
Beilenson	Jackson-Lee (TX)	Pelosi
Bentsen	Jacobs	Peterson (MN)
Berman	Johnson (SD)	Petri
Blute	Johnson, E. B.	Pomeroy
Bonior	Johnston	Rahall
Borski	Kanjorski	Rangel
Brown (CA)	Kennedy (MA)	Reed
Brown (OH)	Kennedy (RI)	Rivers
Bryant (TX)	Kennelly	Roth
Cardin	Kildee	Roybal-Allard
Chapman	Kleczka	Rush
Clay	Klink	Sabo
Clayton	Klug	Sanders
Clement	LaFalce	Sawyer
Collins (MI)	Lantos	Saxton
Conyers	Levin	Schroeder
Coyne	Lewis (GA)	Schumer
DeFazio	Lincoln	Sensenbrenner
DeLauro	Livingston	Serrano
Dellums	LoBiondo	Skaggs
Dicks	Lofgren	Slaughter
Dixon	Lowey	Stark
Doggett	Luther	Studds
Dooley	Maloney	Stupak
Doyle	Manton	Taylor (MS)
Engel	Markey	Tejeda
Eshoo	Martinez	Thornton
Evans	Martini	Thurman
Farr	Mascara	Torkildsen
Fattah	Matsui	Torres
Fazio	McCarthy	Towns
Filner	McDermott	Traficant
Flake	McHale	Velazquez
Foglietta	McNulty	Vento
Ford	Meehan	Volkmer
Frank (MA)	Metcalf	Wamp
Franks (NJ)	Miller (CA)	Ward
Frelinghuysen	Miller (FL)	Waters
Gejdenson	Minge	Watt (NC)
Gephardt	Moakley	Waxman
Geren	Moran	Williams
Gibbons	Nadler	Wise
Goss	Neal	Woolsey
Green	Neumann	Yates
Gutierrez		Zimmer

NOT VOTING—6

Collins (IL)	Furse	McKinney
de la Garza	Hastings (FL)	Stokes

☐ 1444

The Clerk announced the following pair:

On this vote:

Ms. Furse for, with Mr. Stokes against.

Messrs. DOGGETT, SCHUMER, and OLVER changed their vote from ''yea'' to ''nay.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EXCHANGE OF LETTERS CONCERNING MARKUP OF H.R. 2854, AGRICULTURAL MARKET TRANSITION ACT

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent to insert extraneous matter at this point in the RECORD.

Chairman ARCHER of the Committee on Ways and Means and I had an understanding that arose as a result of my request to him that his committee forgo markup of H.R. 2854 that had been referred to the Ways and Means Committee as an additional referral. Chairman ARCHER agreed to this letter in writing and I requested that our exchange of letters be printed in the RECORD. I wish to comply with that request at this time.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from Kansas?

There was no objection.

The letters referred to are as follows:

COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 31, 1996.

Hon. PAT ROBERTS,
Chairman, Committee on Agriculture,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This is to confirm my understanding of our agreement concerning further consideration of H.R. 2854, the Agricultural Market Transition Act, as amended, which was referred to the Committee on Agriculture, and in addition to the Committee on Ways and Means.

Section 104 (f)(2) and (g) of H.R. 2854, as reported by your Committee, would establish quotas to increase imports of upland cotton above the amounts allowed under the Uruguay Round tariff-rate quotas if domestic cotton prices exceed specified levels. The action taken by the Agriculture Committee is clearly contrary to clause 5(b) of Rule XXI of the Rules of the House, which provides that no bill carrying a tax or tariff measure shall be reported by any committee not having jurisdiction to report tax and tariff measures.

Section 204 requires importers of dairy products to pay assessments currently applied to domestic dairy producers to offset the costs of export and other sales promotion programs. As you recall, our exchange of letters on H.R. 2195 confirmed that this provision is also within the jurisdiction of the Ways and Means Committee. I note that you have included language to correct national treatment concerns.

Section 107(c) requires the Secretary of Agriculture to reduce loan rates for domestically grown sugar if negotiated reductions in subsidies in the European Union and other sugar producing countries exceed commitments made in the Uruguay Round Agreement on Agriculture. This authority is

linked to further negotiated reductions in foreign subsidies under reciprocal trade agreements within the jurisdiction of the Ways and Means Committee.

Section 502 of the bill, as reported, would authorize the Secretary of Agriculture to impose fees to cover the cost of providing agricultural quarantine and inspection services. Although the fees would generally be limited to the cost of the quarantine and inspections programs (and associated administrative costs), the section would allow the fees to accumulate to ''maintain a reasonable balance in the Agricultural Quarantine Inspection User Fee Account.'' Although amounts in the account would generally be subject to appropriations, ''excess fees'' (fees collected in excess of $100 million) could be spent without appropriation. A special rule applies to the unobligated balance of the Fee Account and fees collected after September 30, 2002.

The mere reauthorization of a preexisting fee that had not historically been considered a tax does not necessarily require a sequential referral to the Committee on Ways and Means. However, if such a preexisting fee is fundamentally changed, it properly should be referred to the Committee on Ways and Means.

In this case, the fee is being more than merely reauthorized, but it is not clear that the fee is being fundamentally changed. Therefore, I ask you to work with me in conforming this fee as closely as possible to a true regulatory fee as permitted under the Rules of the House during further consideration of this legislation.

In response to your requests that I facilitate consideration of this important legislation, I do not believe that a markup of H.R. 2854 by the Committee on Ways and Means will be necessary.

However, this is being done only with the understanding that this does not in any way prejudice the Committee's jurisdictional prerogatives in the future with respect to this measure or any similar legislation, and it should not be considered as precedent for consideration of matters of jurisdictional interest to the Committee on Ways and Means in the future. Should any provisions of jurisdictional interest remain in the bill after Floor consideration, I would request that the Committee on Ways and Means be named as additional conferees.

Finally, I would ask that a copy of our exchange of letters on this matter be placed in the Record during consideration on the Floor. With best regards,

Sincerely,

BILL ARCHER,
Chairman.

COMMITTEE ON AGRICULTURE,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 28, 1996.

Hon. BILL ARCHER,
Chairman, Committee on Ways and Means, Washington, DC.

DEAR MR. CHAIRMAN: This responds to your letter of January 31, 1996 acknowledging the understanding of the Committee on Ways and Means, to which H.R. 2854, the ''Agricultural Market Transition Act'', had been additionally referred, and the Committee on Ways and Means would forego a markup of the bill in order to facilitate consideration of H.R. 2854 on the Floor of the House.

Your cooperation in this matter is very much appreciated. Certainly, your action of foregoing a markup is not viewed by this Committee as in any way prejudicing your Committee's jurisdictional prerogatives in the future with respect to this measure or any similar legislation and the Committee does not consider your action as a precedent for consideration of matters of jurisdictional interest to the Committee on Ways and Means in the future.

Also, pursuant to your request I will insert a copy of our exchange of letters in the Congressional Record during the consideration of H.R. 2854 on the floor.

Sincerely,

PAT ROBERTS,
Chairman.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2854, AGRICULTURAL MARKET TRANSITION ACT

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of the bill H.R. 2854, to include corrections in spelling, punctuation, section numbering, and cross-referencing and the insertion of appropriate headings.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

GENERAL LEAVE

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material with respect to H.R. 2854, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

MOTION TO INSTRUCT CONFEREES ON H.R. 956, PRODUCT LIABILITY FAIRNESS ACT OF 1995

Mr. CONYERS. Mr. Speaker, I offer a motion to instruct conferees on the bill (H.R. 956) to establish legal standards and procedures for product liability litigation, and for other purposes.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. CONYERS moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate Amendment to the bill H.R. 956 be instructed to insist upon the provisions contained in section 107 of the House bill.

The SPEAKER pro tempore. Pursuant to clause 1(b) of rule XXVIII, the gentleman from Michigan [Mr. CONYERS] will be recognized for 30 minutes, and the gentleman from Illinois [Mr. HYDE] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

(Mr. CONYERS asked and was given permission to revise and extend his remarks.)

Mr. CONYERS. Mr. Speaker, this may be the last activity for the day and for the week, and so I will move with as much expedition as I can. We do not have a lot of speakers on the matter.

I am very pleased to come before the House with a motion that will instruct our conferees on the subject of product liability reform in terms of a requirement that would insist that the foreign corporations in America do business the same as those that are domiciled in this country.

As the senior member of the Committee on the Judiciary, I have brought this motion to instruct conferees to insist on a House-passed provision that ends special treatment for foreign corporations when it comes to civil litigation in the United States. In other words, this thoughtfully crafted amendment merely seeks to ensure that foreign manufacturers who sell products in the United States, that they play by the same legal rules that govern the conduct of other and all other American companies.

We have supported this measure in the House, and we are merely instructing our conferees to stick with us. Section 107 of the House bill provides that Federal courts shall have jurisdiction over foreign manufacturers who knew or reasonably should have known that their product would enter the stream of commerce in the United States, and, second, that service of process may be served wherever the foreign manufacturer is located, has an agent or transacts business, and, third, any failure by such foreign corporation to comply with a court-approved discovery order shall be deemed an admission of fact to which the discovery order relates.

As the record and history demonstrate, under current law, the foreign corporations legally can suppress the production of constitutional discovery information by hiding behind the protectionist shield of the Hague Convention or some other treaty. This, of course, runs counter to a basic premise of American jurisprudence; namely, that the person who causes an injury should be held legally accountable and has the ironic effort of causing all economic consequences to be borne by American consumers, insurance companies, employers, or the Government.

There were 258 Members who voted for the original Conyers amendment, and my colleagues might want to check the March 19, 1995, CONGRESSIONAL RECORD to see if they were among those numbers.

If foreign companies are permitted to reap profits from selling their products here, can it be more reasonable that they should be held to the same standard and legal procedures as our own companies? And certainly, in tragic cases where the American consumers are victimized by defective foreign products, foreign corporations should not be able to avoid responsibility for injuries suffered because of their products.

We need a level playing field for American businesses, and rule of fairness for the American consumer victimized by defective foreign products is essential.

As we know too well, the unlevel economic playing field caused by the various current foreign trade barriers is exacerbated when foreign companies can literally get away with murder here by shunning their legal responsibilities while pocketing profits for selling products in our own country.

So we are asking not that we give American companies an upper hand, but that we take away the leverage, the advantage, the unfair edge that the foreign companies based in the United States have.

We have supported this amendment. I trust that you will be kind enough to support the motion to instruct conferees.

So I ask that members vote ''yes'' on the motion to instruct pending before the House.

Mr. Speaker, I reserve the balance of my time.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the motion to instruct conferees is an attempt by opponents of product liability reform to discourage or preclude agreement between the House and Senate on this important legislation. If you favor excessive litigation related expenses, inflated settlement offers, increased liability insurance rates, and higher prices for goods and services, you may want to tie the hand of the conferees. On the other hand, if you want to foster U.S. competitiveness in international markets, preserve and expand employment opportunities here at home, and protect the American consumer, you will oppose this motion to instruct.

A vote for this motion to instruct is a vote to potentially kill product liability reform in this Congress. I am very skeptical that the Senate is willing and able to pass a conference report which includes the Conyers amendment. Adoption of this motion would interfere with our ability to arrive at a final agreement with the Senate on this most important bill.

The motion to instruct does not end special treatment for foreign companies, in fact it would require that special rules be applied in product liability litigation involving foreign manufacturers.

Foreign manufacturers would be subject to suit in any Federal court; foreign manufactures would be subject to service of process anywhere in the country; and discovery omissions by foreign manufacturers would be deemed admissions of the facts sought to be discovered.

The best way to provide a level playing field for American businesses is not to legislate different discovery standards for foreign businesses, but to rein in the costs of product liability cases and change our legal system from a game of Russian roulette to one which provides fairness and certainty to all litigants.

Far from creating a level playing field, the Conyers amendment discriminates against foreign companies by requiring them to subject themselves to service of process to a degree not required of any other litigant. American corporations are not required to make themselves available to suit anywhere in the United States, merely because they knew or reasonably should have known that their product would be in the stream of commerce in that jurisdiction.

A person injured by a product manufactured by a foreign corporation will be able to sue and recover damages even if the foreign manufacturer is not subject to suit in the United States. The conference report will include a provision making product sellers liable as manufacturers when the manufacturer is not subject to service of process under the laws of the State where the action is brought.

This new rule is unnecessary. There is no evidence that foreign manufacturers routinely refuse to appear in American courts, and the Hague Convention already establishes procedures for service of process on foreign corporations.

The motion raises significant constitutional and international law concerns, represents a serious potential irritant in our bilateral relations with other countries, and raises the specter of foreign retaliation against American firms.

As a signatory to the Hague Convention, the United States is bound to follow its procedural rules. The Conyers amendment, if adopted, would require the United States to renege on its international obligations in this regard.

The Commission of the European Communities and its member states have expressed strong opposition to the Conyers provision, because it ignores the rights of defendants in countries outside the jurisdiction of the country of litigation, and ignores the sovereign rights of countries which have different procedural rules than that of the United States.

If the Conyers provision is enacted, it is likely that other countries will also ignore the provisions of the Hague Convention, and begin applying their own procedural rules to American companies whose products enter the stream of commerce abroad. American businesses stand to lose, not gain, from this provision.

The special rules for foreign manufacturers are not supported by American businesses. Many domestic companies have international affiliates that would be adversely affected by the special rules; many use component products manufactured abroad.

The special rules will disadvantage American businesses when both foreign and domestic manufacturers are defendants in the same litigation. They will encourage plaintiff's lawyers to join foreign companies so as to expand the venues in which suit can be brought. This will raise the cost of litigation for American companies.

I strongly urge the House to defeat the motion to instruct. We must not create a stumbling block to product liability reform.

□ 1500

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I am proud to yield 5 minutes to my friend, the gentleman from Michigan [Mr. DINGELL], the dean of the House of Representatives and dean of the Michigan delegation.

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Speaker, I thank my good friend for the time.

Mr. Speaker, I commend the gentleman from Michigan [Mr. CONYERS] for his leadership in this matter. This is a splendid motion to instruct, and I would urge all my colleagues to support it.

This is not something which has come full blown on us and it is a matter of surprise. We have all seen this before. This exact language passed the House 258 to 166.

The comment is made that perhaps this might inhibit the passage of product liability legislation. Nothing is further from the truth. What does the proposal do? The proposal treats U.S. corporations, U.S. manufacturers, and U.S. workers the same way that sneaky, dishonest, fly-by-night foreigners are treated.

Having said that, what it says is as follows: That Federal courts have jurisdiction over foreign manufacturers, who knew or who reasonably should have known that their product would enter the stream of commerce in the United States.

Second, the amendment states that the service or process may be served wherever the foreign manufacturer is located, has an agent, or transacts business.

For the benefit of my colleagues on the Committee on the Judiciary, that is standard, boilerplate language that you have seen 100 times. As a matter of fact, you cannot open a law book with regard to service without seeing this kind of language.

Finally, the motion says that the failure of foreign corporations to comply with court ordered discovery orders will be deemed an admission of fact to which the order relates. In other words, if they do not cooperate, the court will draw the necessary and proper conclusions from their refusal to cooperate.

Now, what is at stake here? What is at stake here is a very simple thing, the protection of American consumers, the opportunity of American people to litigate questions with regard to product liability. That is important.

But something else is at stake here, too: Fair treatment of American workers. Americans who work for American corporations in the United States, competing with foreigners, can know that they are going to get the same protection with regard to product liability that foreigners get.

Foreign corporations are going to know that they cannot now any longer come into this country and market shoddy, cheap, dangerous, unsafe products, and then retreat to their home country, secure in the knowledge that the hurt they have done to American citizens, that the unfair competitive advantage which they have seized on behalf of themselves, will redound to their benefit, to the hurt of American corporations, to the hurt of American workers, and to the hurt of American consumers.

I would urge my colleagues to vote for this on the grounds of basic fairness. I would urge my colleagues to vote for it on the basis of common sense. I would urge 258 of my colleagues who voted for this before to vote for it again on the grounds they have already shown good sense and voted for it once. I would point out that every single Democrat, save one, voted for this. I would point out that some 70 Republicans among my colleagues voted for it.

The American people are going to say when you go home, Why was it that you did not vote for the protection of American industry and the fair treatment of American industry? Why was it you did not vote for the protection of the American consumer? And why was it that you did not vote for equal treatment of American industry with foreigners?

That is all this is about, fairness; foreigners and Americans are treated the same way in the marketplace. If you vote against this motion to instruct, you are voting for preference for foreigners.

I have a few words for my friends on the Republican side which I think they will find useful and interesting. You have observed of late you have a new star shining on the horizon of American political life, his name is Pat Buchanan, and he is talking about the failure of other Republicans to look to the well-being of American workers and American goods. He is talking about shutting our borders and putting huge tariffs.

We do not need to do that today. All my Republican colleagues need to do is carry out the mandate that they heard up in New Hampshire or in Arizona or in other places and to genuflect at the altar of Mr. Buchanan is simply to vote here for fairness for Americans, for fairness for American industry, for fairness for American consumers, and to treat foreigners like we treat American corporations, no better.

If you vote against this, you are voting for a preference for special treatment for foreign manufacturers. You are voting to hurt American workers, American industry. I urge my colleagues to vote as the House did once before. Let us not be afraid. Let us vote for an instruction. I urge my colleagues to support the motion to instruct.

Mr. HYDE. Mr. Speaker, I yield myself 30 seconds, simply to comment how enjoyable it is to be instructed on questions of jurisdiction and service of process from Mr. Justice DINGELL. He just short-circuited the real issue, which is jurisdiction, not where you serve process. Jurisdiction under the amendment under discussion is bad, it states,

> The Federal court in which such action is brought shall have jurisdiction over such manufacture if the manufacturer knew or reasonably should have known that the product would be imported for sale or use in the United States.

That does not apply to any domestic corporation, and it is not boilerplate. It is something radically different.

Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. OXLEY].

(Mr. OXLEY asked and was given permission to revise and extend his remarks.)

Mr. OXLEY. Mr. Speaker, I rise in opposition to the motion to instruct.

Rarely have we been treated on this floor to such protectionist verbiage, perhaps not since the mercifully failed textile protectionist bill that worked its way through this Chamber on more than one occasion and was mercifully vetoed first by President Reagan and then President Bush. Those vetoes were sustained.

This provision in the bill dealing with a very real issue of product liability, all of a sudden we are inserting this debate and language dealing with the so-called evil foreigners and all of the terrible things they are going to do to the American consumers.

Let us make one thing very clear: The provision in the bill provides for adequate service on any foreign manufacturer that sells products in the United States. That is not in question. There is the ability to provide service and bring those defendants to a court of law.

There was no provision at all dealing with this issue in the Senate. The other body somehow has lurched into the truth for a change, and we ought to recognize that they were wise in what they did.

The issue really is this: Do we want an effective product liability bill passed into law for the first time in I do not know how long, or do we want to try to obfuscate the issue by waving the bloody shirt of protectionism dealing with a bill that has absolutely nothing to do with trade but has a lot to do with changing the legal system in our country? That is really the question.

The gentleman from Michigan, the former chairman of the Committee on Commerce, did yoeman work in working through a product liability bill a couple of Congresses ago. We marked that thing up for 10 long days. The gentleman from Michigan, my good friend, showed great leadership in providing the kind of legislation that really, I think, led us to where we are today, and that is on the verge of getting a sound product liability bill passed.

But, Mr. Speaker, there are those who would seek to try to derail this bill, both outside and inside this Chamber, who have a different agenda than passing a good, fair product liability bill, and anything we can do to obscure that is apparently all right with them.

This simply discriminates against foreign corporations and manufacturers, and invites retaliation by those very same folks against American firms. Now, do we really want to set up this kind of statute in the United States whereby American companies then, who would manufacture and sell products all over the world, would be subject to the same kinds of legal ramifications that are provided in this bill? I think not.

This simply raises the cost of litigation, has the opposite effect of what we are trying to do with the underlying legislation, and that is, invites more litigation and invites more retaliation.

Mr. Speaker, I would call this anti-jobs provision the fat cat lawyers act. It feeds trial lawyers at the expense of American businesses and consumers. It is not in the best interests of American businesses and consumers. Despite the rhetoric coming from the far left and the far right, the principal point of American manufacturers is to sell their products abroad.

The provision, as espoused by both gentleman from Michigan, would have the opposite effect, would have a negative effect on our ability to create and protect markets overseas. I would ask that this motion be defeated and that we get on with the conference report that will send a strong bill to the President for the first time in a long, long time, dealing with a strong product liability legislation that all of us can be proud of.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. DINGELL], the senior Member of the House of Representatives.

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Speaker, I want to make clear one thing: There is no Member of this body that has greater affection or respect for the distinguished chairman of the Committee on the Judiciary or for the gentleman from Ohio [Mr. OXLEY], my good friend. They are great men, great Americans, and dear friends of mine. I express to them my great respect.

They are regrettably, however, very much wrong on their interpretation of this legislation. All this does is treat foreign manufacturers, foreign corporations, foreign workers, the same way we treat U.S. corporations, U.S. manufacturers, and U.S. workers. That is all. That is all this does.

This is a simple, long-arm statute in the motion to instruct, something which my colleagues have seen time after time. And anytime my distinguished friend, the chairman of the committee, cracks a law book to look

at a service statute, he will find this kind of language relative to American corporations. That is all we want to do, is to apply it to American corporations and to foreigners.

I can understand there is a certain reluctance on the other side of the aisle on this matter. This town is full of lobbyists working for foreign corporations. Their single most important purpose today is to get this language out.

Why? Because it confers an enormous economic advantage on foreign corporations, to know that they can hide abroad after they have manufactured shoddy or dangerous goods or provided services which have hurt Americans. The Americans can go and sue an American corporation. But without this language as provided in the language of the motion to instruct, the foreign corporation is not reachable.

The issue here is a very simple one: Fairness to American corporations, fairness to American workers, fairness to the American economy, and not letting a bunch of sneaking foreigners get out from under their legitimate responsibility to American consumers; and not permitting a bunch of sneaky foreigners to get an economic advantage over Americans, American workers, American manufacturers, American industry, and the American Congress.

The motion is one which screams for the support of this body. It says, if you are fair, if you want to be fair, if you are interested in this country, its workers and its people, you will vote for this motion to recommit and tell the foreign lobbyists this Congress works for the American people, not for a bunch of foreigners.

□ 1515

Mr. HYDE. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from California [Mr. DREIER].

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, I thank the distinguished chairman of the committee for yielding time to me.

I have the highest regard and admiration for my friend from Ohio and, of course, from Illinois and for both of my friends from Michigan, who are great Americans and patriots in this institution, but they are both totally wrong on this issue.

Let me give one little example that I think is very important for us to listen to. I heard it said twice, sneaky foreigners. Wow. That is kind of a frightful statement to me.

When I think of, in Great Britain, the prospect of a small, little barber, maybe he is a sneaky foreigner but if he has a little barber shop there and he stirs up his own shaving cream and sells it to an unsuspecting victim who comes to the United States of America and happens to use it here, what happens when that person comes with that shaving cream to the United States? The entire Federal bureaucracy is unleashed on that unsuspecting victim.

It seems to me that this provision is clearly antitrade, antibusiness, and it seriously jeopardizes our agreements that we have internationally. And something else that has not been said is that there are in fact recourses for people who do feel as if they have been victims. That is under the Hague Convention today. So I believe that it was a real mistake to have this measure get in there. It is another attempt to expand the reach of the Federal Government, to bash our trading partners.

And my friend, the gentleman from Michigan [Mr. DINGELL], worked long and hard on a very important telecommunications bill, which recognizes that we have a global economy that has been created. He does that on one hand and then supports this measure which just slaps what he describes as those sneaky foreigners, and I think it is dead wrong. I hope this House will unite in a bipartisan way in opposition.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Let the record show that we on this side respect our friends who may be in the United States and may not be citizens and who are welcome to our shores and are doing business inside our borders. They are complying with the law, and, therefore, they are considered friends of ours. They have chosen to come and do business among us, and they should be made welcome.

They should not, however, be given favored treatment. My dear friend from California, who has been of such help on the Committee on Rules, has pointed out that the little barber from some other country here who concocts his own shaving cream somehow is going to be subject to the venomous provisions of the Product Liability Act that we have passed with this provision in it.

That may be a little bit overstating the case because the American born, local neighborhood barber, who buys his Barbasol off the rack, would be subject to the exact same treatment, if it is conceivable in this hypothetical that anybody else would be. He would be treated the same under the amendment that we have adopted.

By the way, this is not the idea of the gentleman from Michigan [Mr. DINGELL]. It is an idea that has gone through the committee process. We have had witnesses on it. It has been deliberated in the full House of this body. It has passed overwhelmingly. We now come to the point where we ask the conferees to ratify it. I am listening now to a huge outcry about why now the conferees should not be reminded of the work product we have already completed. It is a little bit amazing.

Of course, the chairman of the Committee on the Judiciary is not only one of the most articulate but one of the most learned men on the law in our body. I am pleased to serve with him in that regard. When he looks, again, over the weekend at the provisions of the 5th amendment and the 14th amendment of the Constitution, and then reminds himself of the State long-arm statutes, which allow any corporation, regardless of whether it is domestic or foreign, to be subject to the reaches of the very same provision, the long-arm statutes applied to domestic companies.

We can reach out and get them, if they attempt to flee the jurisdiction in which the harm occurred, and we are only applying the same parallel to those corporations that might not otherwise be amenable to the process.

What is the process? We have got to get jurisdiction. Then we can make service and then we can get discovery. But for goodness sakes, if you are located somewhere else on planet Earth, you cannot obtain jurisdiction. It is as simple as that.

So for someone to suggest to me that the European Economic Community will be unhappy about the work product that we have done in making their companies subject to the same process as American companies, I find the common remark, too bad. I mean, those are the rules, level, even, applicable to one and all.

So what I am saying to my colleagues is that under the Constitution and the long-arm statutes, a corporation, regardless of where it is domiciled, is subject to the jurisdiction of State courts, if they can foreseeably put products in the State stream of commerce. This just includes, this does not just mean foreign corporations, but it means the long-arm statutes apply to domestic corporations as well.

Please, my colleagues, let us not get lost in rhetoric here. Let us have the little barber who has come from foreign shores and makes his own shaving cream, I guess somebody does that in the country, and the guy that takes his product off the shelf be subject to the same provisions.

Mr. HYDE. Mr. Speaker, would the Chair advise how much time remains?

The SPEAKER pro tempore. The gentleman from Illinois, [Mr. HYDE] has 17½ minutes remaining, and the gentleman from Michigan [Mr. CONYERS] has 13 minutes remaining.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

This is a very confused situation and it really should not be. We are talking about manufacturers from Prague, Czechoslovakia, for example, former Czechoslovakia, now the Czech Republic, who do not do business here. They do not have an agency here. They do not have anything here.

They are in Prague and they manufacture a product. Somebody buys it and takes it over here, brings it over to the United States, and it goes from Bangor, ME, to Tallahassee, FL, to Omaha, NE. And then something happens, somebody gets hurt, and they have got jurisdiction over this Czech Republic company in Omaha, NE. And they file a lawsuit.

They, under this bill, they have got jurisdiction. They make demands for discovery, which if they are unanswered, are conceded as admitted and a judgment occurs.

Now, that cuts both ways. That can cut against American companies overseas. There is no need for this process. There is a process whereby due process can be accomplished through the Hague Convention. But here we are conferring jurisdiction, not service of summons, jurisdiction on a court where a manufacturer nowhere near the United States knew or should have known that their product might end up in California or Seattle or somewhere.

Now, that is not treating foreign corporations or stinky little corporations, to use the words of the next Secretary of State, but what it is is conferring jurisdiction where there really should be no jurisdiction and contrary to due process.

So that is why this is objectionable. If the gentleman is so convinced that it is a sound law, it has been passed. It is in the conference. I dare say, the gentleman from the other body will find it very attractive. I do not.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina [Mr. WATT], a distinguished member of the Committee on the Judiciary.

Mr. WATT of North Carolina. Mr. Speaker, I thank the gentleman for yielding time to me.

I assure the chairman of the committee and others that I will not take 3 minutes because I really think our colleagues want to get out of here and leave this issue behind. But I do want to respond to the chairman's comments and make sure that my colleagues understand the choices that they have.

When a manufacturer in Prague manufactures a dangerous product, knowing or in reasonable judgment should know that that product is going to end up here in the United States, the question becomes whether we should protect the manufacturer in Prague or whether we should protect the individual citizen in Nebraska or North Carolina or Michigan or Illinois or Ohio, what is our responsibility and what are the public policy considerations here?

I want to submit to the chairman that if that manufacturer in Prague knows or reasonably should have known that the individual citizen in Nebraska could end up being injured by that dangerous product, it is our responsibility, as Members of this Congress, to protect American citizens and not to look out for the manufacturer in Prague.

So that is the choice we have got, and it is just a matter of fairness. If a manufacturer in California sends something into North Carolina and he reasonably knows or should have known that somebody in North Carolina is going to get injured, we have got a long-arm statute that can bring him down to North Carolina.

There is no public policy justification for protecting that manufacturer in Prague. He is not a constituent of anybody in this body. He deserves no more protection than a U.S. manufacturer. But think about it. The citizen who lives in Nebraska certainly deserves our protection, and that is what this statute is all about.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

I want to say to my friend from North Carolina, I agree that we should aim toward due process for everybody. The gentleman has stipulated in his hypothetical that the product is shoddy. We have to have a trial to determine who is at fault. The plaintiff in the United States has a recourse, has a remedy, if that plaintiff is injured. He can sue the seller of the product because the seller is treated as the manufacturer in the United States if service cannot be had on the manufacturer.

Mr. WATT of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from North Carolina.

□ 1530

Mr. WATT of North Carolina. And the distributor may have $10 in the bank, and the manufacturer in Prague, a multibillion-dollar industry, is making these things, and is making them dangerously, and knowing that an individual in the United States may end up being injured by them, and it is the U.S. distributor that should be left holding the bag? That is even worse as a matter of public policy, I would submit to the gentleman.

Mr. HYDE. Mr. Speaker, reclaiming my time, I disagree. The gentleman is looking for protection and recourse for the injured plaintiff, and the injured plaintiff can have it against the seller. Now you wish to have a multimillionaire manufacturer in Prague. They still are entitled to due process, and it is not due process by requiring some clairvoyance on the part of the manufacturer to know where that product may end up in the United States.

Mr. WATT of North Carolina. Will the gentleman yield further?

Mr. HYDE. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. We are not talking about clairvoyance, we are talking about knowing or reasonably expecting. That is the same, the same identical legal standard that exists in the United States of America. This is not clairvoyance we are talking about. It is the same legal standard that every manufacturer in the United States is subjected to.

Mr. HYDE. Mr. Speaker, I hope the gentleman in Prague can find an attorney in Omaha to run in and defend himself before he has defaulted and the default judgment is entered so that due process gets at least a pass at being respected.

Mr. WATT of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. HYDE. I forever yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. I hope the poor little person in Nebraska that the gentleman was talking about——

Mr. HYDE. Who happens to be a multimillionaire in my hypothetical.

Mr. WATT of North Carolina. Maybe he is a multimillionaire.

Mr. HYDE. He is running for President, by the way.

Mr. WATT of North Carolina. He is first and foremost a citizen of the United States, and it is our obligation as Members of Congress to support and defend and protect our citizens. That is the public policy.

Mr. HYDE. I can only express the found hope that when we do get to debating immigration this hostility toward foreigners is somewhat diminished. I do not mean on the part of the gentleman from North Carolina, but others, who shall be nameless.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume because my chairman has made an important reference to a millionaire running for President, and of course it could be, let us see, it could be Forbes, Buchanan. Wow, this is a pretty long list of their guys, millionaires running for President.

Mr. HYDE. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Illinois.

Mr. HYDE. In fact, they have so much money they could almost be Democratic Senators.

Mr. CONYERS. Mr. Speaker, let us throw in the flat tax while we are at it, too.

As far as the assertion that foreign firms are not seeking to avoid suits in this country, I would ask all the members on and off the Committee on the Judiciary to review the case of Floyd Miles versus Morita Iron Works which took place in Cook County. The defendant avoided jurisdiction by selling aerosol machines through a straw man in Japan. Because there were insufficient contacts in Illinois, Mr. Miles could not seek compensation.

So therefore, all we are saying is let us look at the overall contacts nationwide as other countries do. By the way, this is not some prejudicial law to people who are not citizens of this country. Rather than limit it to their relief to a particular State, it is simple fairness in the utmost.

So suggesting that this amendment already adopted would kill product liability reform is unbelievable. I do not think the Members of this body or the other body are subject to the manipulations of foreign manufacturers, the European Economic Community or lobbyists that they may hire to be working here. Let us keep within some limits of reasonability and continue to approve the amendment that has already been adopted by the House.

If I had not brought this motion to instruct conferees, every reasonable conferee would be under the same responsibility to remember what his colleagues had done in the Congress anyway. But to have this provision now

being attacked as if product liability will survive or go down in defeat based upon making foreign corporations equally liable reaches the point that is almost ludicrous.

Mr. Speaker, I yield 4½ minutes to the gentlewoman from Texas [Ms. JACKSON-LEE], our distinguished member of the Committee on the Judiciary.

(Ms. JACKSON-LEE asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for yielding this time to me, and I thank the gentleman for his wisdom, and the ranking member, the gentleman from Michigan [Mr. DINGELL], on the Committee on Commerce, for his support for a very reasonable position.

Mr. Speaker, this is a serious debate. It really is. I am somewhat puzzled with great respect to my chairman, and I might add that the Committee on the Judiciary has done a major task in fostering positive legislation in this last year, and I would expect under Chairman HYDE's leadership we will do so in this year.

It is interesting that my Republican colleagues will talk about free trade and the American people. I do not think America is a country that is filled with protectionists. I think Americans simply want fairness.

If I might simply focus on what this small instruction will do, if I can just narrow the focus, first of all, I would take issue. It is also not the barbershop maker of lotion for shaving in Prague. It is the multinational corporation that we are talking about, and in fact, it is our neighbor in South Carolina or Texas or Nebraska, Mr. Speaker, Mrs. Jones or Mrs. Smith or Mr. Jackson, who in fact might be impacted by this multinational corporation.

This is a simple instruction that asks the conferees to remember foreign companies and subject them to the same laws in product liability as we would national companies here in this country.

In particular, might I remind those of thalidomide? Might I remind my colleagues of the thalidomide that was used in the 1950's? Although it was not approved by this country, it managed to get here, and we saw deformed children, women who wanted to be fertile having deformed children, children with flippers and other types of debilitating types of deformities. What would have happened if that had fully come to this country and Mrs. Jones and Mr. Jones, the loving parents of a child that they loved, were not able to pursue this tragic occurrence?

This instruction deals with two major points, the points of service. Do we realize that if it was a company, a foreign company, that we in the United States could not even get service, we could not even get them into the courthouse. They would not be able to be filed against because they were a foreign national, something that some other major company in this country could not hide behind.

Then listen to this. Mrs. Peterson, Mrs. Smith again, could not get discovery. We could not penetrate to determine why this multinational company would make such a product that would do such damage, the simple principles of justice that we in America have the right to have.

Mr. Speaker, can we imagine that in a court of law we would have certain rights against an American company but none against the multinational company? Simple processes of justice: One, to serve them to bring them into the courthouse, that is all. We are not saying convicting them. They have their day in court. Does anyone think our American justice would treat a foreign entity any less than an American citizen, the court of law would apply, and then in preparing the case one could not have the same rights of discovery, of disclosing what was behind this dangerous product.

Mr. Speaker, I think that we are misguided here. This is not about free trade, and I might imagine that my colleagues on the other side of the aisle would never want to be told that foreign nationals have so much control of this body that this would gut the products liability if, for example, we would serve foreign corporations. We are not under this kind of umbrage. Would we say that, that we are so frightened of foreign nationals that we would not want a simple instruction?

I cannot believe that we have a situation where this body is so frightened of foreign nationals that a simple instruction passed and supported by 258 Members that simply said subject foreign corporations to the same laws on product liability as would be our American companies, service, one, to get into the courthouse and, two Mr. CONYERS, discovery to be able to determine what caused this tragic incident that would bring these parties into the courthouse, and I would be if I was anyone in Congress staying on the side of Mrs. Jones in Nebraska or Mr. Smith in Texas.

Mr. CONYERS. Mr. Speaker, do I have the right to close in this debate?

The SPEAKER pro tempore. The gentleman does have the right to close.

Mr. CONYERS. I have only one speaker remaining.

Mr. HYDE. Just one, yourself?

Mr. CONYERS. Mr. Speaker, I would not name that person yet. It is a surprise.

Mr. HYDE. Mr. Speaker, I have no more speakers. Whatever the gentleman would like to do, I am at his disposal.

Mr. CONYERS. Mr. Speaker, I yield the remainder of my time to the gentleman from Ohio [Mr. TRAFICANT] and would ask the gentleman from Ohio [Mr. TRAFICANT] to close the debate.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The gentleman from Ohio is recognized for 3 minutes.

Mr. TRAFICANT. Mr. Speaker, I voted for this bill, and I think if America is going to have true product liability reform, Congress should not stop it at the border. I think discovery and part of this process that we are discussing is very important.

But I wanted to talk about another issue here. I keep hearing everybody come up here and afraid to deal with this so-called protectionist term, and let me say this, my colleagues, we are at war with several protectionist nations who continue to take advantage of our economy.

I have heard the name of Buchanan invoked here earlier, and the tragedy is, while Buchanan will be cannibalized, the problem is he is one of the few guys talking about a major issue the American people are concerned about, and that is trade and the negative balance of payments, is Buchanan.

I also say this to the majority party. There can be no program to balance the budget of the United States of America without addressing this negative balance of payments and many of these factors that contribute to it.

So what I would like to say is I want to congratulate the gentleman from Illinois [Mr. HYDE] and congratulate the gentleman from Ohio [Mr. OXLEY]. I think on this issue they have become supersensitive to this protectionist word, and what has been allowed is countries like Japan and China just beat the hell out of us, and I think what my colleagues ought to do is allow the amendment, allow the language of the gentleman from Michigan [Mr. CONYERS] supported by the gentleman from Michigan [Mr. DINGELL] that will ensure that these manufacturers will be addressed properly under our product liability reform legislation. I think it is common sense.

By the way, the other body. The other body resisted one of my amendments that said it should be against the law to place a fraudulent label on an imported product, and it took Mr. HYDE and others to keep that in a crime bill.

□ 1545

So if you are gauging anything on the other body, please do not cave in to that. The problem is, we have this in our bill. The other body does not have it in their bill. That should not be the determining factor. We here voted in the affirmative. Let us stay in the affirmative. I think it is a good bill. I support much of what you do, Mr. Chairman.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Michigan [Mr. CONYERS].

The question was taken; and the SPEAKER pro tempore announced that the ayes appeared to have it.

Mr. CONYERS. Mr. Speaker, I object to the vote on the ground that a

quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 256, nays 142, not voting 33, as follows:

[Roll No. 43]

YEAS—256

Abercrombie	Gephardt	Olver
Allard	Geren	Ortiz
Andrews	Gibbons	Orton
Baesler	Gillmor	Owens
Baldacci	Gonzalez	Pallone
Barcia	Goodling	Pastor
Barr	Gordon	Payne (NJ)
Barrett (WI)	Graham	Payne (VA)
Bateman	Green	Pelosi
Becerra	Gunderson	Peterson (FL)
Beilenson	Hall (OH)	Peterson (MN)
Bentsen	Hall (TX)	Petri
Berman	Hamilton	Pombo
Bevill	Harman	Pomeroy
Bishop	Hayes	Poshard
Blute	Hayworth	Pryce
Boehlert	Hefley	Rahall
Bonior	Hefner	Ramstad
Borski	Herger	Rangel
Boucher	Hilleary	Reed
Brewster	Hinchey	Regula
Browder	Hobson	Richardson
Brown (CA)	Holden	Riggs
Brown (FL)	Horn	Rivers
Brown (OH)	Houghton	Roberts
Brownback	Hoyer	Roemer
Bryant (TX)	Hunter	Rogers
Bunn	Jackson (IL)	Rohrabacher
Burton	Jackson-Lee (TX)	Roth
Cardin	Jefferson	Roukema
Chapman	Johnson (SD)	Roybal-Allard
Chenoweth	Johnson, E. B.	Royce
Clayton	Johnston	Rush
Clement	Jones	Sabo
Clinger	Kanjorski	Sanders
Clyburn	Kaptur	Sawyer
Coble	Kasich	Scarborough
Coleman	Kennedy (MA)	Schiff
Collins (MI)	Kennedy (RI)	Schroeder
Condit	Kennelly	Schumer
Conyers	Kildee	Scott
Costello	Kingston	Serrano
Coyne	Kleczka	Shuster
Cramer	Klink	Sisisky
Crapo	LaFalce	Skaggs
Cunningham	Lantos	Skelton
Danner	Levin	Slaughter
Deal	Lewis (GA)	Smith (MI)
DeFazio	Lincoln	Smith (WA)
DeLauro	Lipinski	Souder
Dellums	LoBiondo	Spence
Deutsch	Lofgren	Spratt
Diaz-Balart	Longley	Stark
Dickey	Lowey	Stearns
Dicks	Luther	Stenholm
Dingell	Maloney	Stockman
Dixon	Manton	Studds
Doggett	Markey	Stupak
Dooley	Martinez	Talent
Doyle	Martini	Tanner
Duncan	Mascara	Tate
Edwards	Matsui	Tauzin
Emerson	McCarthy	Taylor (MS)
Engel	McDade	Taylor (NC)
English	McDermott	Tejeda
Ensign	McHale	Thompson
Eshoo	McInnis	Thornton
Evans	McIntosh	Thurman
Farr	Meek	Tiahrt
Fattah	Menendez	Torres
Fazio	Metcalf	Torricelli
Fields (LA)	Meyers	Towns
Flake	Minge	Traficant
Foglietta	Mink	Vento
Foley	Moakley	Visclosky
Forbes	Mollohan	Volkmer
Ford	Moran	Walsh
Fowler	Nadler	Wamp
Fox	Neal	Ward
Frank (MA)	Ney	Waters
Franks (NJ)	Oberstar	Watt (NC)
Frost	Obey	Waxman
Gejdenson	Olver	Weldon (PA)
Weller	Wise	Wynn
Whitfield	Wolf	Yates
Williams	Woolsey	

NAYS—142

Archer	Frelinghuysen	Mica
Armey	Frisa	Miller (FL)
Bachus	Funderburk	Molinari
Baker (CA)	Gallegly	Moorhead
Baker (LA)	Ganske	Morella
Ballenger	Gekas	Murtha
Barrett (NE)	Gilchrest	Myers
Bartlett	Gilman	Myrick
Barton	Goodlatte	Nethercutt
Bass	Goss	Neumann
Bereuter	Greenwood	Norwood
Bilbray	Gutknecht	Nussle
Bilirakis	Hancock	Oxley
Bliley	Hansen	Packard
Boehner	Hastert	Paxon
Bonilla	Hastings (WA)	Porter
Bono	Heineman	Portman
Bryant (TN)	Hoekstra	Quinn
Bunning	Hoke	Radanovich
Burr	Hostettler	Ros-Lehtinen
Buyer	Hutchinson	Sanford
Callahan	Hyde	Saxton
Camp	Inglis	Schaefer
Campbell	Istook	Seastrand
Canady	Johnson (CT)	Sensenbrenner
Castle	Johnson, Sam	Shadegg
Chabot	Kelly	Shays
Chambliss	Kim	Skeen
Christensen	King	Smith (NJ)
Coburn	Klug	Smith (TX)
Collins (GA)	Knollenberg	Solomon
Combest	Kolbe	Stump
Cooley	LaHood	Thomas
Cox	Largent	Thornberry
Crane	Latham	Torkildsen
Cremeans	LaTourette	Upton
Cubin	Laughlin	Vucanovich
Davis	Lazio	Waldholtz
DeLay	Leach	Walker
Doolittle	Lewis (CA)	Weldon (FL)
Dornan	Lewis (KY)	White
Dreier	Lightfoot	Wicker
Dunn	Livingston	Young (AK)
Ehlers	Lucas	Young (FL)
Ewing	Manzullo	Zeliff
Fawell	McCollum	Zimmer
Flanagan	McHugh	
Franks (CT)	McKeon	

NOT VOTING—33

Ackerman	Furse	Montgomery
Calvert	Gutierrez	Parker
Chrysler	Hastings (FL)	Pickett
Clay	Hilliard	Quillen
Collins (IL)	Jacobs	Rose
de la Garza	Linder	Salmon
Durbin	McCrery	Shaw
Ehrlich	McKinney	Stokes
Everett	McNulty	Velazquez
Fields (TX)	Meehan	Watts (OK)
Filner	Miller (CA)	Wilson

□ 1606

The Clerk announced the following pair:

On this vote:

Ms. Furse for, with Mr. Ehrlich against.

Messrs. BARTON of Texas, HOEKSTRA, SHAYS, and YOUNG of Alaska changed their vote from ''yea'' to ''nay.''

Messrs. PAYNE of Virginia, CRAPO, BUNN of Oregon, WELLER, PETRI, TIAHRT, HEFLEY, STOCKMAN, SPENCE, JONES, and SMITH of Michigan changed their vote from ''nay'' to ''yea.''

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 994, SMALL BUSINESS GROWTH AND ADMINISTRATIVE ACCOUNTABILITY ACT OF 1996

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 104–464) on the resolution (H. Res. 368) providing for consideration of the bill (H.R. 994) to require the periodic review and automatic termination of Federal regulations, which was referred to the House Calendar and ordered to be printed.

COAST GUARD AUTHORIZATION ACT OF 1995

Mr. COBLE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1004) to authorize appropriations for the U.S. Coast Guard, and for other purposes, and ask for its immediate consideration in the House; to strike out all after the enacting clause of S. 1004 and insert in lieu thereof the text of H.R. 1361 as passed by the House; to pass the Senate bill as amended; and to insist on the House amendment and request a conference with the Senate thereon.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The text of S. 1004 is as follows:

S. 1004

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Coast Guard Authorization Act of 1995''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

TITLE I—AUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

(a) FISCAL YEAR 1996.—Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 1996, as follows:

(1) For the operation and maintenance of the Coast Guard, $2,618,316,000, of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $428,200,000, to remain available until expended, of which $32,500,000 shall be derived from the Oil Spill Liability Trust fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $22,500,000, to remain available until expended, of which $3,150,000 shall be derived from the Oil Spill Liability Trust Fund.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $582,022,000.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program—

(A) $16,200,000, to remain available until expended, of which up to $14,200,000 may be made available under section 104(e) of title 49, United States Code; and

(B) for fiscal year 1995, $12,880,000, which may be made available under that section.

(6) For environmental compliance and restoration at Coast Guard facilities (other

than parts and equipment associated with operations and maintenance), $25,000,000, to remain available until expended.

(b) AMOUNTS FROM THE DISCRETIONARY BRIDGE PROGRAM.—Section 104 of title 49, United States Code, is amended by adding at the end thereof the following:

''(e) Notwithstanding the provisions of sections 101(d) and 144 of title 23, highway bridges determined to be unreasonable obstructions to navigation under the Truman-Hobbs Act may be funded from amounts set aside from the discretionary bridge program. The Secretary shall transfer these allocations and the responsibility for administration of these funds to the United States Coast Guard.''.

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) AUTHORIZED MILITARY STRENGTH LEVEL.—The Coast Guard is authorized an end-of-year strength for active duty personnel of 38,400 as of September 30, 1996. The authorized strength does not include members of the Ready Reserve called to active duty for special or emergency augmentation of regular Coast Guard forces for periods of 180 days or less.

(b) AUTHORIZED LEVEL OF MILITARY TRAINING.—The Coast Guard is authorized average military training study loads for fiscal year 1996 as follows:

(1) For recruit and special training, 1,604 student years.

(2) For flight training, 85 student years.

(3) For professional training in military and civilian institutions, 330 student years.

(4) For officer acquisition, 874 student years.

TITLE II—PERSONNEL MANAGEMENT IMPROVEMENT

SEC. 201. PROVISION OF CHILD DEVELOPMENT SERVICES.

(a) IN GENERAL.—Title 14, United States Code, is amended by inserting after section 514 the following new section:

''§ 515. Child development services

''(a) The Commandant may make child development services available for members and civilian employees of the Coast Guard, and thereafter as space is available for members of the Armed Forces and Federal civilian employees. Child development service benefits provided under the authority of this section shall be in addition to benefits provided under other laws.

''(b)(1) Except as provided in paragraph (2), the Commandant may require that amounts received as fees for the provision of services under this section at Coast Guard child development centers be used only for compensation of employees at those centers who are directly involved in providing child care.

''(2) If the Commandant determines that compliance with the limitation in paragraph (1) would result in an uneconomical and inefficient use of such fee receipts, the Commandant may (to the extent that such compliance would be uneconomical and inefficient) use such receipts—

''(A) for the purchase of consumable or disposable items for Coast Guard child development centers; and

''(B) if the requirements of such centers for consumable or disposable items for a given fiscal year have been met, for other expenses of those centers.

''(c) The Commandant shall provide for regular and unannounced inspections of each child development center under this section and may use Department of Defense or other training programs to ensure that all child development center employees under this section meet minimum standards of training with respect to early childhood development, activities and disciplinary techniques appropriate to children of different ages, child abuse prevention and detection,and appropriate emergency medical procedures.

''(d) Of the amounts available to the Coast Guard each fiscal year for operating expenses (and in addition to amounts received as fees), the Secretary may use for child development services under this section an amount not to exceed the total amount the Commandant estimates will be received by the Coast Guard in the fiscal year as fees for the provision of those services.

''(e) The Commandant may use appropriated funds available to the Coast Guard to provide assistance to family home day care providers so that family home day care services can be provided to uniformed service members and civilian employees of the Coast Guard at a cost comparable to the cost of services provided by Coast Guard child development centers.

''(f) The Secretary shall promulgate regulations to implement this section. The regulations shall establish fees to be charged for child development services provided under this section which take into consideration total family income.

''(g) For purposes of this section, the term 'child development center' does not include a child care services facility for which space is allotted under section 616 of the Act of December 22, 1987 (40 U.S.C. 490b).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 13 of title 14, United States Code, is amended by inserting after the item related to section 514 the following:

''515. Child development services.''.

SEC. 202. HURRICANE ANDREW RELIEF.

Section 2856 of the National Defense Authorization Act for Fiscal Year 1993 (Pub. L. 102–484) applies to the military personnel of the Coast Guard who were assigned to, or employed at or in connection with, any Federal facility or installation in the vicinity of Homestead Air Force Base, Florida, including the areas of Broward, Collier, Dade, and Monroe Counties, on or before August 24, 1992, except that funds available to the Coast Guard, not to exceed $25,000, shall be used. The Secretary of Transportation shall administer the provisions of section 2856 for the Coast Guard.

SEC. 203. DISSEMINATION OF RESULTS OF 0–6 CONTINUATION BOARDS.

Section 289(f) of title 14, United States Code, is amended by striking ''Upon approval by the President, the names of the officers selected for continuation on active duty by the board shall be promptly disseminated to the service at large.''.

SEC. 204. EXCLUDE CERTAIN RESERVES FROM END-OF-YEAR STRENGTH.

Section 712 of title 14, United States Code, is amended by adding at the end the following new subsection:

''(d) Members ordered to active duty under this section shall not be counted in computing authorized strength in members on active duty or members in grade under this title or under any other law.''.

SEC. 205. OFFICER RETENTION UNTIL RETIREMENT ELIGIBLE.

Section 283(b) of title 14, United States Code, is amended—

(1) by inserting ''(1)'' after ''(b)'';

(2) by striking the last sentence; and

(3) by adding at the end the following:

''(2) Upon the completion of a term under paragraph (1), an officer shall, unless selected for further continuation—

''(A) except as provided in subparagraph (B), be honorably discharged with severance pay computed under section 286 of this title;

''(B) in the case of an officer who has completed at least 18 years of active service on the date of discharge under subparagraph (A), be retained on active duty and retired on the last day of the month in which the officer completes 20 years of active service, unless earlier removed under another provision of law; or

''(C) if, on the date specified for the officer's discharge under this section, the officer has completed at least 20 years of active service or is eligible for retirement under any law, be retired on that date.''.

SEC. 206. CONTRACTS FOR HEALTH CARE SERVICES.

(a) Chapter 17 of title 14, United States Code, is amended by inserting after section 644 the following new section:

''§ 644a. Contracts for health care services

''(a) Subject to the availability of appropriations for this purpose; the Commandant may enter into personal services and other contracts to carry out health care responsibilities pursuant to section 93 of this title and other applicable provisions of law pertaining to the provision of health care services to Coast Guard personnel and covered beneficiaries. The authority provided in this subsection is in addition to any other contract authorities of the Commandant provided by law or as delegated to the Commandant from time to time by the Secretary, including but not limited to authority relating to the management of health care facilities and furnishing of health care services pursuant to title 10 and this title.

''(b) The total amount of compensation paid to an individual in any year under a personal services contract entered into under subsection (a) shall not exceed the amount of annual compensation (excluding allowances for expenses) allowable for such contracts entered into by the Secretary of Defense pursuant to section 1091 of title 10.

''(c)(1) The Secretary shall promulgate regulations to assure—

''(A) the provision of adequate notice of contract opportunities to individuals residing in the area of a medical treatment facility involved; and

''(B) consideration of interested individuals solely on the basis of the qualifications established for the contract and the proposed contract price.

''(2) Upon establishment of the procedures under paragraph (1), the Secretary may exempt personal services contracts covered by this section from the competitive contracting requirements specified in section 2304 of title 10, or any other similar requirements of law.

''(d) The procedures and exemptions provided under subsection (c) shall not apply to personal services contracts entered into under subsection (a) with entities other than individuals or to any contract that is not an authorized personal services contract under subsection (a).''.

(b) The table of sections for chapter 17 of title 14, United States Code, is amended by inserting after the item relating to section 644 the following:

''644a. Contracts for health care services.''.

(c) The amendments made by this section shall take effect on the date of enactment of this Act. Any personal services contract entered into on behalf of the Coast Guard in reliance upon the authority of section 1091 of title 10 before that date is confirmed and ratified and shall remain in effect in accordance with the terms of the contract.

SEC. 207. RECRUITING.

(a) CAMPUS RECRUITING.—Section 558 of the National Defense Authorization Act for Fiscal Year 1995 (108 Stat. 2776) is amended—

(1) by inserting ''or the Department of Transportation'' in subsection (a)(1) after ''the Department of Defense'';

(2) by inserting ''or the Secretary of Transportation'' after ''the Secretary of Defense'' in subsection (a)(1); and

(3) by inserting ''and the Secretary of Transportation'' after ''the Secretary of Education'' in subsection (b).

(b) FUNDS FOR RECRUITING.—The text of section 468 of title 14, United States Code, is amended to read as follows:

''The Coast Guard may expend operating expense funds for recruiting activities, including but not limited to advertising and entertainment, in order to—

''(1) obtain recruits for the Service and cadet applicants; and

''(2) gain support of recruiting objectives from those who may assist in the recruiting effort.''.

(c) SPECIAL RECRUITING AUTHORITY.—Section 93 of title 14, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (t);

(2) by striking the period at the end of paragraph (u) and inserting a semicolon and the word ''and''; and

(3) by adding at the end the following:

''(v) employ special recruiting programs, including, subject to appropriations Acts, the provision of financial assistance by grant, cooperative agreement, or contract to public or private associations, organizations, and individuals (including academic scholarships for individuals), to meet identified personnel resource requirements.''.

SEC. 208. ACCESS TO NATIONAL DRIVER REGISTER INFORMATION ON CERTAIN COAST GUARD PERSONNEL.

(a) AMENDMENT TO TITLE 14.—Section 93 of title 14, United States Code, as amended by section 203, is further amended—

(1) by striking ''and'' after the semicolon at the end of paragraph (u);

(2) by striking the period at the end of paragraph (v) and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(w) require that any officer, chief warrant officer, or enlisted member of the Coast Guard or Coast Guard Reserve (including a cadet or an applicant for appointment or enlistment to any of the foregoing and any member of a uniformed service who is assigned to the Coast Guard) request that all information contained in the National Driver Register pertaining to the individual, as described in section 30304(a) of title 49, be made available to the Commandant under section 30305(a) of title 49, may receive that information, and upon receipt, shall make the information available to the individual.''.

(b) AMENDMENT TO TITLE 49.—Section 30305(b) of title 49, United States Code, is amended by redesignating paragraph (7) as paragraph (8) and inserting after paragraph (6) the following new paragraph:

''(7) An individual who is an officer, chief warrant officer, or enlisted member of the Coast Guard or Coast Guard Reserve (including a cadet or an applicant for appointment or enlistment of any of the foregoing and any member of a uniformed service who is assigned to the Coast Guard) may request the chief driver licensing official of a State to provide information about the individual under subsection (a) of this section to the Commandant of the Coast Guard. The Commandant may receive the information and shall make the information available to the individual. Information may not be obtained from the Register under this paragraph if the information was entered in the Register more than 3 years before the request, unless the information is about a revocation or suspension still in effect on the date of the request.''.

SEC. 209. COAST GUARD HOUSING AUTHORITIES.

(a) IN GENERAL.—Part I of title 14, United States Code, is amended by inserting after chapter 17 the following new chapter:

''CHAPTER 18—COAST GUARD HOUSING AUTHORITIES

''SUBCHAPTER A

''SUBCHAPTER A

''§ 671. Definitions

''In this subchapter the term 'support facilities' means facilities relating to military housing units, including child care centers, day care centers, community centers, housing offices, maintenance complexes, dining facilities, unit offices, fitness centers, parks, and other similar facilities for the support of military housing.

''§ 672. General authority

''In addition to any other authority provided for the acquisition, construction, or improvement of military family housing or military unaccompanied housing, the Secretary may exercise any authority or any combination of authorities provided under this subchapter in order to provide for the acquisition, construction, improvement or rehabilitation by private persons of the following:

''(1) Family housing units on or near Coast Guard installations within the United States and its territories and possessions.

''(2) Unaccompanied housing units on or near such Coast Guard installations.

''§ 673. Direct loans and loan guarantees

''(a) DIRECT LOANS.—(1) Subject to subsection (c), the Secretary may make direct loans to persons in the private sector in order to provide funds to such persons for the acquisition, construction, improvement, or rehabilitation of housing units that the Secretary determines are suitable for use as military family housing or as military unaccompanied housing.

''(2) The Secretary shall establish such terms and conditions with respect to loans made under this subsection as the Secretary considers appropriate to protect the interests of the United States, including the period and frequency for repayment of such loans and the obligations of the obligors on such loans upon default.

''(b) LOAN GUARANTEES.—(1) Subject to subsection (c), the Secretary may guarantee a loan made to any person in the private sector if the proceeds of the loan are to be used by the person to acquire, construct, improve, or rehabilitate housing units that the Secretary determines are suitable for use as military family housing or as military unaccompanied housing.

''(2) The amount of a guarantee on a loan that may be provided under paragraph (1) may not exceed the amount equal to the lesser of—

''(A) the amount equal to 80 percent of the value of the project; or

''(B) the amount of the outstanding principal of the loan.

''(3) The Secretary shall establish such terms and conditions with respect to guarantees of loans under this subsection as the Secretary considers appropriate to protect the interests of the United States, including the rights and obligations of obligors of such loans and the rights and obligations of the United States with respect to such guarantees.

''(c) LIMITATION ON DIRECT LOAN AND GUARANTEE AUTHORITY.—Direct loans and loan guarantees may be made under this section only to the extent that appropriations of budget authority to cover their cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)) are made in advance, or authority is otherwise provided in appropriations Acts. If such appropriation or other authority is provided, there may be established a financing account (as defined in section 502(7) of such Act (2 U.S.C. 661a(7)) which shall be available for the disbursement of direct loans or payment of claims for payment on loan guarantees under this section and for all other cash flows to and from the Government as a result of direct loans and guarantees made under this section.

''§ 674. Leasing of housing to be constructed

''(a) BUILD AND LEASE AUTHORIZED.—The Secretary may enter into contracts for the lease of family housing units or unaccompanied housing units to be constructed, improved, or rehabilitated under this subchapter.

''(b) LEASE TERMS.—A contract under this section may be for any period that the Secretary determines appropriate.

''§ 675. Investments in nongovernmental entities

''(a) INVESTMENTS AUTHORIZED.—The Secretary may make investments in nongovernmental entities carrying out projects for the acquisition, construction, improvement, or rehabilitation of housing units suitable for use as military family housing or as military unaccompanied housing.

''(b) FORMS OF INVESTMENT.—An investment under this section may take the form of a direct investment by the United States, an acquisition of a limited partnership interest by the United States, a purchase of stock or other equity instruments by the United States, a purchase of bonds or other debt instruments by the United States, or any combination of such forms of investment.

''(c) LIMITATION ON VALUE OF INVESTMENT.—(1) The cash amount of an investment under this section in a nongovernmental entity may not exceed an amount equal to 35 percent of the capital cost (as determined by the Secretary) of the project or projects that the entity proposes to carry out under this section with the investment.

''(2) If the Secretary conveys land or facilities to a nongovernmental entity as all or part of an investment in the entity under this section, the total value of the investment by the Secretary under this section may not exceed an amount equal to 45 percent of the capital cost (as determined by the Secretary) of the project or projects that the entity proposes to carry out under this section with the investment.

''(3) In this subsection, the term 'capital cost', with respect to a project for the acquisition, construction, improvement, or rehabilitation of housing, means the total amount of the costs included in the basis of the housing for Federal income tax purposes.

''(d) COLLATERAL INCENTIVE AGREEMENTS.—The Secretary may enter into collateral incentive agreements with nongovernmental

entities in which the Secretary makes an investment under this section to ensure that a suitable preference will be afforded members of the armed forces in the lease or purchase, as the case may be, of a reasonable number of the housing units covered by the investment.

"§ 676. Rental guarantees

''The Secretary may enter into agreements with private persons that acquire, construct, improve, or rehabilitate family housing units or unaccompanied housing units under this subchapter in order to assure—

''(1) the occupancy of such units at levels specified in the agreements; or

''(2) rental income derived from rental of such units at levels specified in the agreements.

"§ 677. Differential lease payments

''The Secretary, pursuant to an agreement entered into by the Secretary and a private lessor of family housing or unaccompanied housing to members of the armed forces, may pay the lessor an amount in addition to the rental payments for the housing made by the members as the Secretary determines appropriate to encourage the lessor to make the housing available to members of the armed forces as family housing or as unaccompanied housing.

"§ 678. Conveyance or lease of existing property and facilities

''(a) CONVEYANCE OR LEASE AUTHORIZED.—The Secretary may convey or lease property or facilities (including support facilities) to private persons for purposes of using the proceeds of such conveyance or lease to carry out activities under this subchapter.

''(b) TERMS AND CONDITIONS.—(1) The conveyance or lease of property or facilities under this section shall be for such consideration and upon such terms and conditions as the Secretary considers appropriate for the purposes of this subchapter and to protect the interests of the United States.

''(2) As part or all of the consideration for a conveyance or lease under this section, the purchaser or lessor (as the case may be) may enter into an agreement with the Secretary to ensure that a suitable preference will be afforded members of the armed forces in the lease or sublease of a reasonable number of the housing units covered by the conveyance or lease, as the case may be, or in the lease of other suitable housing units made available by the purchaser or lessee.

''(c) INAPPLICABILITY OF CERTAIN PROPERTY MANAGEMENT LAWS.—The conveyance or lease of property or facilities under this section shall not be subject to the following provisions of law:

''(1) The Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

''(2) Section 321 of the Act of June 30, 1932 (commonly known as the Economy Act) (47 Stat. 412, chapter 314; 40 U.S.C. 303b).

''(3) The Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 et seq.).

"§ 679. Interim leases

''Pending completion of a project to acquire, construct, improve, or rehabilitate family housing units or unaccompanied housing units under this subchapter, the Secretary may provide for the interim lease of such units of the project as are complete. The term of a lease under this section may not extend beyond the date of the completion of the project concerned.

"§ 680. Unit size and type

''The Secretary shall ensure that the room patterns and floor areas of family housing units and unaccompanied housing units acquired, constructed, improved, or rehabilitated under this subchapter are generally comparable to the room patterns and floor areas of similar housing units in the locality concerned.

"§ 681. Support facilities

''Any project for the acquisition, construction, improvement, or rehabilitation of family housing units or unaccompanied housing units under this subchapter may include the acquisition, construction, or improvement of support facilities for the housing units concerned.

"§ 682. Assignment of members of the armed forces to housing units

''(a) IN GENERAL.—The Secretary may assign members of the armed forces to housing units acquired, constructed, improved, or rehabilitated under this subchapter.

''(b) EFFECT OF CERTAIN ASSIGNMENTS ON ENTITLEMENT TO HOUSING ALLOWANCES.—(1) Except as provided in paragraph (2), housing referred to in subsection (a) shall be considered as quarters of the United States or a housing facility under the jurisdiction of a uniformed service for purposes of section 403(b) of title 37.

''(2) A member of the armed forces who is assigned in accordance with subsection (a) to a housing unit not owned or leased by the United States shall be entitled to a basic allowance for quarters under section 403 of title 37 and, if in a high housing cost area, a variable housing allowance under section 403a of that title.

''(c) LEASE PAYMENTS THROUGH PAY ALLOTMENTS.—The Secretary may require members of the armed forces who lease housing in housing units acquired, constructed, improved, or rehabilitated under this subchapter to make lease payments for such housing pursuant to allotments of the pay of such members under section 701 of title 37.

"§ 683. Coast Guard Housing Improvement Fund

''(a) ESTABLISHMENT.—There is hereby established on the books of the Treasury an account to be known as the Coast Guard Housing Improvement Fund (in this section referred to as the 'Fund').

''(b) CREDITS TO FUND.—There shall be credited to the Fund the following:

''(1) Funds appropriated to the Fund.

''(2) Any funds that the Secretary may, to the extent provided in appropriation Acts, transfer to the Fund from funds appropriated to the Department of Transportation or Coast Guard for family housing, except that such funds may be transferred only after the Secretary transmits written notice of, and justification for, such transfer to the appropriate committees of Congress.

''(3) Any funds that the Secretary may, to the extent provided in appropriations Acts, transfer to the Fund from funds appropriated to the Department of Transportation or Coast Guard for military unaccompanied housing or for the operation and maintenance of military unaccompanied housing, except that such funds may be transferred only after the Secretary transmits written notice of, and justification for, such transfer to the appropriate committees of Congress.

''(4) Proceeds from the conveyance or lease of property or facilities under section 678 of this title.

''(5) Income from any activities under this subchapter, including interest on loans made under section 673 of this title, income and gains realized from investments under section 675 of this title, and any return of capital invested as part of such investments.

''(c) USE OF FUNDS.—(1) To the extent provided in appropriations Acts and except as provided in paragraphs (2) and (3), the Secretary may use amounts in the Fund to carry out activities under this subchapter (including activities required in connection with the planning, execution, and administration of contracts or agreements entered into under the authority of this subchapter).

''(2)(A) Funds in the Fund that are derived from appropriations or transfers of funds for military family housing, or from income from activities under this subchapter with respect to such housing, may be used in accordance with paragraph (1) only to carry out activities under this subchapter with respect to military family housing.

''(B) Funds in the Fund that are derived from appropriations or transfers of funds for military unaccompanied housing, or from income from activities under this subchapter with respect to such housing, may be used in accordance with paragraph (1) only to carry out activities under this subchapter with respect to military unaccompanied housing.

''(3) The Secretary may not enter into a contract or agreement to carry out activities under this subchapter unless the Fund contains sufficient amounts, as of the time the contract or agreement is entered into, to satisfy the total obligations to be incurred by the United States under the contract or agreement.

''(d) LIMITATION ON AMOUNT OF BUDGET AUTHORITY.—The total value in budget authority of all contracts, agreements, and investments undertaken using the authorities provided in this subchapter shall not exceed $60,000,000.

"§ 684. Reports

The Secretary shall include each year in the materials the Secretary submits to the Congress in support of the budget submitted by the President pursuant to section 1105 of title 31, United States Code, the following:

''(1) A report on the amount and nature of the deposits into, and the expenditures from, the Coast Guard Housing Improvement Fund established under section 683 of this title during the preceding fiscal year.

''(2) A report on each contract or agreement for a project for the acquisition, construction, improvement, or rehabilitation of family housing units or unaccompanied housing units that the Secretary proposes to solicit under this subchapter, describing the project and the method of participation of the United States in the project and providing justification of such method of participation.

''(3) A methodology for evaluating the extent and effectiveness of the use of the authorities under this subchapter during such preceding fiscal year.

''(4) A description of the objectives of the Department of Transportation for providing military family housing and military unaccompanied housing for members of the Coast Guard.

"§ 685. Expiration of authority

''The authority to enter into a transaction under this subchapter shall expire 5 years after the date of the enactment of the Coast Guard Authorization Act of 1995.

''SUBCHAPTER B

"§ 691. Conveyance of damaged or deteriorated military family housing; use of proceeds

''(a) AUTHORITY TO CONVEY.—

''(1) Subject to paragraph (2), the Secretary may convey any family housing facility that, due to damage or deterioration, is in a condition that is uneconomical to repair. Any conveyance of a family housing facility under this section may include a conveyance of the real property associated with the facility conveyed.

''(2) The aggregate total value of the family housing facilities conveyed by the Secretary under the authority in this subsection in any fiscal year may not exceed $5,000,000.

''(3) For purposes of this subsection, a family housing facility is in a condition that is

uneconomical to repair if the cost of the necessary repairs for the facility would exceed the amount equal to 70 percent of the cost of constructing a family housing facility to replace such a facility.

''(b) CONSIDERATION.—

''(1) As consideration for the conveyance of a family housing facility under subsection (a), the person to whom the facility is conveyed shall pay the United States an amount equal to the fair market value of the facility conveyed, including any real property conveyed along with the facility.

''(2) The Secretary shall determine the fair market value of any family housing facility and associated real property that is conveyed under subsection (a). Such determinations shall be final.

''(c) NOTICE AND WAIT REQUIREMENTS.—The Secretary may not enter into an agreement to convey a family housing facility under this section until—

''(1) the Secretary submits to the appropriate committees of Congress, in writing, a justification for the conveyance under the agreement, including—

''(A) an estimate of the consideration to be provided the United States under the agreement;

''(B) an estimate of the cost of repairing the family housing facility to be conveyed; and

''(C) an estimate of the cost of replacing the family housing facility to be conveyed; and

''(2) a period of 21 calendar days has elapsed after the date on which the justification is received by the committees.

''(d) INAPPLICABILITY OF CERTAIN PROPERTY DISPOSAL LAWS.—The following provisions of law do not apply to the conveyance of a family housing facility under this section:

''(1) The provisions of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

''(2) The provisions of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 et seq.).

''(e) USE OF PROCEEDS.—(1) The proceeds of any conveyance of a family housing facility under this section shall be credited to the Coast Guard Housing Improvement Fund (Fund) established under section 683 of this title and available for the purposes described in paragraph (2).

''(2) The proceeds of a conveyance of a family housing facility under this section may be used for the following purposes:

''(A) To construct family housing units to replace the family housing facility conveyed under this section, but only to the extent that the number of units constructed with such proceeds does not exceed the number of units of military family housing of the facility conveyed.

''(B) To repair or restore existing military family housing.

''(C) To reimburse the Secretary for the costs incurred by the Secretary in conveying the family housing facility.

''(3) Notwithstanding section 683(c) of this title, proceeds in the account under this subsection shall be available under paragraph (1) for purposes described in paragraph (2) without any further appropriation.

''(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of any family housing facility conveyed under this section, including any real property associated with such facility, shall be determined by such means as the Secretary considers satisfactory, including by survey in the case of real property.

''(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance of family housing facilities under this section as the Secretary considers appropriate to protect the interests of the United States.

''§ 692. Limited partnerships with private developers of housing

''(a) LIMITED PARTNERSHIPS.—(1) In order to meet the housing requirements of members of the Coast Guard, and the dependents of such members, at a military installation described in paragraph (2), the Secretary of Transportation may enter into a limited partnership with one or more private developers to encourage the construction of housing and accessory structures within commuting distance of the installation. The Secretary may contribute not more than 35 percent of the development costs under a limited partnership.

''(2) Paragraph (1) applies to a military installation under the jurisdiction of the Secretary at which there is a shortage of suitable housing to meet the requirements of members and dependents referred to in such paragraph.

''(b) COLLATERAL INCENTIVE AGREEMENTS.—The Secretary may also enter into collateral incentive agreements with private developers who enter into a limited partnership under subsection (a) to ensure that, where appropriate—

''(1) a suitable preference will be afforded members of the Coast Guard in the lease or purchase, as the case may be, of a reasonable number of the housing units covered by the limited partnership; or

''(2) the rental rates or sale prices, as the case may be, for some or all of such units will be affordable for such members.

''(c) SELECTION OF INVESTMENT OPPORTUNITIES.—

''(1) The Secretary shall use publicly advertised, competitively bid or competitively negotiated, contracting procedures, as provided in chapter 137 of title 10, United States Code, to enter into limited partnerships under subsection (a).

''(2) When a decision is made to enter into a limited partnership under subsection (a), the Secretary shall submit a report in writing to the appropriate committees of Congress on that decision. Each such report shall include the justification for the limited partnership, the terms and conditions of the limited partnership, a description of the development costs for projects under the limited partnership, and a description of the share of such costs to be incurred by the Secretary. The Secretary may then enter into the limited partnership only after the end of the 21-day period beginning on the date the report is received by such committees.

''(d) FUNDS.—(1) Any proceeds received by the Secretary from the repayment of investments or profits on investments of the Secretary under subsection (a) shall be deposited into the Coast Guard Housing Improvement Fund established under section 683 of this title.

''(2) From such amounts as is provided in advance in appropriation Acts, funds in the Coast Guard Housing Improvement Fund shall be available to the Secretary for contracts, investments, and expenses necessary for the implementation of this section.

''(3) The Secretary may not enter into a contract in connection with a limited partnership under subsection (a) or a collateral incentive agreement under subsection (b) unless a sufficient amount of the unobligated balance of the funds in the Coast Guard Housing Improvement Fund is available to the Secretary, as of the time the contract is entered into, to satisfy the total obligations to be incurred by the United States under the contract.

''(e) TRANSFER OF LANDS PROHIBITED.—Nothing in this section shall be construed to permit the Secretary, as part of a limited partnership entered into under this section, to transfer the right, title, or interest of the United States in any real property under the jurisdiction of the Secretary.

''(f) EXPIRATION AND TERMINATION OF AUTHORITIES.—The authority to enter into a transaction under this section shall expire 5 years after the date of the enactment of the Coast Guard Authorization Act of 1995.''.

(b) FINAL REPORT.—Not later than March 1, 2000, the Secretary shall submit to Congress a report on the use by the Secretary of the authorities provided by subchapter A of chapter 18 of title 14, United States Code, as added by subsection (a) of this section. The report shall assess the effectiveness of such authority in providing for the construction and improvement of military family housing and military unaccompanied housing.

(c) CLERICAL AMENDMENT.—The table of chapters at the beginning of part I of title 14, is amended by inserting after the item relating to chapter 17 the following:

''18. Coast Guard Housing Authorities ..... 671.''.

SEC. 210. BOARD FOR CORRECTION OF MILITARY RECORDS DEADLINE.

(a) REMEDIES DEEMED EXHAUSTED.—Ten months after a complete application for correction of military records is received by the Board for Correction of Military Records of the Coast Guard, administrative remedies are deemed to have been exhausted, and—

(1) if the Board has rendered a recommended decision, its recommendation shall be final agency action and not subject to further review or approval within the Department of Transportation; or

(2) if the Board has not rendered a recommended decision, agency action is deemed to have been unreasonably delayed or withheld and the applicant is entitled to—

(A) an order under section 706(1) of title 5, United States Code, directing final action be taken within 30 days from the date the order is entered; and

(B) from amounts appropriated to the Department of Transportation, the costs of obtaining the order, including a reasonable attorney's fee.

(b) EXISTING DEADLINE MANDATORY.—The 10-month deadline established in section 212 of the Coast Guard Authorization Act of 1989 (Public Law 101–225; 103 Stat. 1914) is mandatory.

(c) SPECIAL RIGHT OF APPLICATIONS UNDER THIS SECTION.—This section applies to any applicant who had an application filed with or pending before the Board or the Secretary of Transportation on or after June 12, 1990, who files with the board an application for relief under this section. If a recommended decision was modified or reversed on review with final agency action occurring after expiration of the 10-month deadline, an applicant who so requests shall have the order in the final decision vacated and receive the relief granted in the recommended decision if the Coast Guard has the legal authority to grant such relief. The recommended decision shall otherwise have no effect as precedent.

TITLE III—MARINE SAFETY AND WATERWAY SERVICES MANAGEMENT

SEC. 301. INCREASED PENALTIES FOR DOCUMENTATION VIOLATIONS.

(a) CIVIL PENALTY.— Section 12122(a) of title 46, United States Code, is amended by striking ''$500'' and inserting ''$10,000''.

(b) SEIZURE AND FORFEITURE.—

(1) IN GENERAL.— Section 12122(b) of title 46, United States Code, is amended to read as follows:

''(b) A vessel and its equipment are liable to seizure by and forfeiture to the United States Government—

''(1) when the owner of a vessel or the representative or agent of the owner knowingly

falsifies or conceals a material fact, or knowingly makes a false statement or representation about the documentation or when applying for documentation of the vessel;

''(2) when a certificate of documentation is knowingly and fraudulently used for a vessel;

''(3) when a vessel is operated after its endorsement has been denied or revoked under section 12123 of this title;

''(4) when a vessel is employed in a trade without an appropriate trade endorsement;

''(5) when a documented vessel with only a recreational endorsement is operated other than for pleasure; or

''(6) when a documented vessel, other than a vessel with only a recreational endorsement operating within the territorial waters of the United States, is placed under the command of a person not a citizen of the United States.''.

(2) CONFORMING AMENDMENT.—Section 12122(c) of title 46, United States Code, is repealed.

(c) LIMITATION ON OPERATION OF VESSEL WITH ONLY RECREATIONAL ENDORSEMENT.—Section 12110(c) of title 46, United States Code, is amended to read as follows:

''(c) A vessel with only a recreational endorsement may not be operated other than for pleasure.''.

(d) TERMINATION OF RESTRICTION ON COMMAND OF RECREATIONAL VESSELS.—

(1) TERMINATION OF RESTRICTION.—Subsection (d) of section 12110 of title 46, United States Code, is amended by inserting '', other than a vessel with only a recreational endorsement operating within the territorial waters of the United States,'' after ''A documented vessel''; and

(2) CONFORMING AMENDMENT.—Section 12111(a)(2) of title 46, United States Code, is amended by inserting before the period the following: ''in violation of section 12110(d) of this title''.

SEC. 302. NONDISCLOSURE OF PORT SECURITY PLANS.

Section 7 of the Ports and Waterways Safety Act (33 U.S.C. 1226), is amended by adding at the end the following new subsection (c):

''(c) NONDISCLOSURE OF PORT SECURITY PLANS.—Notwithstanding any other provision of law, information related to security plans, procedures, or programs for passenger vessels or passenger terminals authorized under this Act is not required to be disclosed to the public.''.

SEC. 303. MARITIME DRUG AND ALCOHOL TESTING PROGRAM CIVIL PENALTY.

(a) IN GENERAL.—Chapter 21 of title 46, United States Code, is amended by adding at the end a new section 2115 to read as follows:

''§ 2115. Civil penalty to enforce alcohol and dangerous drug testing

''Any person who fails to implement or conduct, or who otherwise fails to comply with the requirements prescribed by the Secretary for, chemical testing for dangerous drugs or for evidence of alcohol use, as prescribed under this subtitle or a regulation prescribed by the Secretary to carry out the provisions of this subtitle, is liable to the United States Government for a civil penalty of not more than $1,000 for each violation. Each day of a continuing violation shall constitute a separate violation.''.

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 21 of title 46, United States Code, is amended by inserting after the item relating to section 2114 the following:

''2115. Civil penalty to enforce alcohol and dangerous drug testing.''.

SEC. 304. RENEWAL OF ADVISORY GROUPS.

(a) NAVIGATION SAFETY ADVISORY COUNCIL.—Section 5(d) of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2073) is amended by striking ''September 30, 1995'' and inserting ''September 30, 2000''.

(b) COMMERCIAL FISHING INDUSTRY VESSEL ADVISORY COMMITTEE.—Subsection (e)(1) of section 4508 of title 46, United States Code, is amended by striking ''September 30, 1994'' and inserting ''September 30, 2000''.

(c) TOWING SAFETY ADVISORY COMMITTEE.—Subsection (e) of the Act to Establish A Towing Safety Advisory Committee in the Department of Transportation (33 U.S.C. 1231a(e)) is amended by striking ''September 30, 1995'' and inserting ''September 30, 2000''.

(d) HOUSTON-GALVESTON NAVIGATION SAFETY ADVISORY COMMITTEE.—The Coast Guard Authorization Act of 1991 (Public Law 102–241, 105 Stat. 2208–2235) is amended by adding at the end of section 18 the following:

''(h) The Committee shall terminate on September 30, 2000.''.

(e) LOWER MISSISSIPPI RIVER WATERWAY ADVISORY COMMITTEE.—The Coast Guard Authorization Act of 1991 (Public Law 102–241, 105 Stat. 2208–2235) is amended by adding at the end of section 19 the following:

''(g) The Committee shall terminate on September 30, 2000.''.

SEC. 305. ELECTRONIC FILING OF COMMERCIAL INSTRUMENTS.

Section 31321(a) of title 46, United States Code, is amended by adding at the end the following new paragraph:

''(4)(A) A bill of sale, conveyance, mortgage, assignment, or related instrument may be filed electronically under regulations prescribed by the Secretary.

''(B) A filing made electronically under subparagraph (A) shall not be effective after the 10-day period beginning on the date of the filing unless the original instrument is provided to the Secretary within that 10-day period.''.

SEC. 306. CIVIL PENALTIES.

(a) PENALTY FOR FAILURE TO REPORT A CASUALTY.—Section 6103(a) of title 46, United States Code is amended by striking ''$1,000'' and inserting ''not more than $25,000''.

(b) OPERATION OF UNINSPECTED TOWING VESSEL IN VIOLATION OF MANNING REQUIREMENTS.—Section 8906 of title 46, United States Code, is amended by striking ''$1,000'' and inserting ''not more than $25,000''.

SEC. 307. AMENDMENT TO REQUIRE EPIRBS ON THE GREAT LAKES.

Paragraph (7) of section 4502(a) of title 46, United States Code, is amended by inserting ''or beyond three nautical miles from the coastline of the Great Lakes'' after ''high seas''.

SEC. 308. REPORT ON LORAN-C REQUIREMENTS.

Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation, in cooperation with the Secretary of Commerce, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a plan prepared in consultation with users of the LORAN-C radionavigation system defining the future use of and funding for operations, maintenance, and upgrades of the LORAN-C radionavigation system. The plan shall provide for—

(1) mechanisms to make full use of compatible satellite and LORAN-C technology by all modes of transportation, the telecommunications industry, and the National Weather Service;

(2) an appropriate timetable for transition from ground-based radionavigation technology after it is determined that satellite-based technology is available as a sole means of safe and efficient navigation and taking into consideration the need to ensure that LORAN-C technology purchased by the public before the year 2000 has a useful economic life; and

(3) agencies in the Department of Transportation and other relevant Federal agencies to share the Federal government's costs related to LORAN-C technology.

SEC. 309. RESTRICTIONS ON CLOSURE OF SMALL BOAT STATIONS.

(a) PROHIBITION.— The Secretary of Transportation (hereinafter in this section referred to as the ''Secretary'') shall not close any Coast Guard multi-mission small boat station or subunit before October 1, 1996.

(b) CLOSURE REQUIREMENTS.—After October 1, 1996, the Secretary shall not close any Coast Guard multi-mission small boat station or subunit unless the following requirements have been met:

(1) The Secretary shall determine that—

(A) adequate search-and-rescue capabilities will maintain the safety of the maritime public in the area of the station or subunit; and

(B) the closure will not result in degradation of services (including but not limited to search and rescue, enforcement of fisheries and other laws and treaties, recreational boating safety, port safety and security, aids to navigation, and military readiness) that would cause significant increased threat to life, property, environment, public safety or national security.

(2) In making the decision to close a station or subunit, the Secretary shall assess—

(A) the benefit of the station or subunit in deterring or preventing violations of applicable laws and regulations;

(B) unique regional or local prevailing weather and marine conditions including water temperature and unusual tide and current conditions; and

(C) other Federal, State, and local government capabilities which could fully or partially substitute for services provided by such station or subunit.

(4) The Secretary shall develop a transition plan for the area affected by the closure to ensure the Coast Guard service needs of the area continue to be met.

(5) The Secretary shall implement a process to—

(A) notify the public of the intended closure;

(B) make available to the public information used in making the determination and assessment under this section; and

(C) provide an opportunity for public participation, including public meetings and the submission of and summary response to written comments, with regard to the decision to close the station or subunit and the development of a transition plan.

(c) NOTIFICATION.—If, after the requirements of subsection (b) are met and after consideration of public comment, the Secretary decides to close a small-boat station or subunit, the Secretary shall provide notification of that decision, at least 60 days before the closure is effected, to the public, the Committee on Commerce, Science and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(d) OPERATIONAL FLEXIBILITY.—Notwithstanding the requirements of this section, the Secretary may implement any management efficiencies within the small boat system, such as modifying the operational posture of units or reallocating resources as necessary to ensure the safety of the maritime public nationwide, provided that no stations or subunits are closed.

SEC. 310. PENALTY FOR ALTERATION OF MARINE SAFETY EQUIPMENT.

Section 3318(b) of title 46, United States Code, is amended—

(1) by inserting ''(1)'' before ''A person''; and

(2) by adding at the end thereof the following:

''(2) A person that knowingly alters lifesaving, fire safety, or any other equipment subject to this part, so that the equipment altered is so defective as to be insufficient to accomplish the purpose for which it is intended, commits a class D felony.''.

SEC. 311. PROHIBITION ON OVERHAUL, REPAIR, AND MAINTENANCE OF COAST GUARD VESSELS IN FOREIGN SHIPYARDS.

(a) PROHIBITION.—Chapter 5 of title 14, United States Code, is amended by adding at the end the following:

''§ 96. Prohibition on overhaul, repair, and maintenance of Coast Guard vessels in foreign shipyards

''A Coast Guard vessel may not be overhauled, repaired, or maintained in any shipyard located outside the United States, except that this section does not apply to emergency repairs.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 5 of title 14, United States Code, is amended by adding at the end the following:

''96. Prohibition on overhaul, repair, and maintenance of Coast Guard vessels in foreign shipyards.''.

SEC. 312. WITHHOLDING VESSEL CLEARANCE FOR VIOLATION OF CERTAIN ACTS.

(a) TITLE 49, UNITED STATES CODE.—Section 5122 of title 49, United States Code, is amended by adding at the end the following new subsection:

''(c) WITHHOLDING OF CLEARANCE.—(1) If any owner, operator, or person in charge of a vessel is liable for a civil penalty under section 5123 of this title or for a fine under section 5124 of this title, or if reasonable cause exists to believe that such owner, operator, or person in charge may be subject to such a civil penalty or fine, the Secretary of the Treasury, upon the request of the Secretary, shall with respect to such vessel refuse or revoke any clearance required by section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91).

''(2) Clearance refused or revoked under this subsection may be granted upon the filing of a bond or other surety satisfactory to the Secretary.''.

(b) PORT AND WATERWAYS SAFETY ACT.—Section 13(f) of the Ports and Waterways Safety Act (33 U.S.C. 1232(f)) is amended to read as follows:

''(f) WITHHOLDING OF CLEARANCE.—(1) If any owner, operator, or person in charge of a vessel is liable for a penalty or fine under this section, or if reasonable cause exists to believe that the owner, operator, or person in charge may be subject to a penalty or fine under this section, the Secretary of the Treasury, upon the request of the Secretary, shall with respect to such vessel refuse or revoke any clearance required by section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91).

''(2) Clearance refused or revoked under this subsection may be granted upon filing of a bond or other surety satisfactory to the Secretary.''.

(c) INLAND NAVIGATION RULES ACT OF 1980.—Section 4(d) of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2072(d)) is amended to read as follows:

''(d) WITHHOLDING OF CLEARANCE.—(1) If any owner, operator, or person in charge of a vessel is liable for a penalty under this section, or if reasonable cause exists to believe that the owner, operator, or person in charge may be subject to a penalty under this section, the Secretary of the Treasury, upon the request of the Secretary, shall with respect to such vessel refuse or revoke any clearance required by section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91).

''(2) Clearance or a permit refused or revoked under this subsection may be granted upon filing of a bond or other surety satisfactory to the Secretary.''.

(d) TITLE 46, UNITED STATES CODE.—Section 3718(e) of title 46, United States Code, is amended to read as follows:

''(e)(1) If any owner, operator, or person in charge of a vessel is liable for any penalty or fine under this section, or if reasonable cause exists to believe that the owner, operator, or person in charge may be subject to any penalty or fine under this section, the Secretary of the Treasury, upon the request of the Secretary, shall with respect to such vessel refuse or revoke any clearance required by section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91).

''(2) Clearance or a permit refused or revoked under this subsection may be granted upon filing of a bond or other surety satisfactory to the Secretary.''.

TITLE IV—COAST GUARD AUXILIARY

SEC. 401. ADMINISTRATION OF THE COAST GUARD AUXILIARY.

(a) Section 821, title 14, United States Code, is amended to read as follows:

''(a) The Coast Guard Auxiliary is a nonmilitary organization administered by the Commandant under the direction of the Secretary. For command, control, and administrative purposes, the Auxiliary shall include such organizational elements and units as are approved by the Commandant, including but not limited to, a national board and staff (Auxiliary headquarters unit), districts, regions, divisions, flotillas, and other organizational elements and units. The Auxiliary organization and its officers shall have such rights, privileges, powers, and duties as may be granted to them by the Commandant, consistent with this title and other applicable provisions of law. The Commandant may delegate to officers of the Auxiliary the authority vested in the Commandant by this section, in the manner and to the extent the Commandant considers necessary or appropriate for the functioning, organization, and internal administration of the Auxiliary.

''(b) Each organizational element or unit of the Coast Guard Auxiliary organization (but excluding any corporation formed by an organizational element or unit of the Auxiliary under subsection (c) of this section), shall, except when acting outside the scope of section 822, at all times be deemed to be an instrumentality of the United States, for purposes of the Federal Tort Claims Act (28 U.S.C. 2671, et seq.), the Military Claims Act (10 U.S.C. 2733), the Public Vessels Act (46 U.S.C. App. 781–790), the Suits in Admiralty Act (46 U.S.C. App. 741–752), the Admiralty Extension Act (46 U.S.C. App. 740), and for other noncontractual civil liability purposes.

''(c) The national board of the Auxiliary, and any Auxiliary district or region, may form a corporation under State law, provided that the formation of such a corporation is in accordance with policies established by the Commandant.''.

(b) The section heading for section 821 of title 14, United States Code, is amended after ''Administration'' by inserting ''of the Coast Guard Auxiliary''.

(c) The table of sections at the beginning of chapter 23 of title 14, United States Code, is amended in the item relating to section 821, after ''Administration'' by inserting ''of the Coast Guard Auxiliary''.

SEC. 402. PURPOSE OF THE COAST GUARD AUXILIARY.

(a) Section 822 of title 14, United States Code, is amended by striking the entire text and inserting:

''The purpose of the Auxiliary is to assist the Coast Guard, as authorized by the Commandant, in performing any Coast Guard function, power, duty, role, mission, or operation authorized by law.''.

(b) The section heading for section 822 of title 14, United States Code, is amended after ''Purpose'' by inserting ''of the Coast Guard Auxiliary''.

(c) The table of sections at the beginning of chapter 23 of title 14, United States Code, is amended in the item relating to section 822, after ''Purpose'' by inserting ''of the Coast Guard Auxiliary''.

SEC. 403. MEMBERS OF THE AUXILIARY; STATUS.

(a) Title 14, United States Code, is amended by inserting after section 823 the following new section:

''§ 823a. Members of the Auxiliary; status

''(a) Except as otherwise provided in this chapter, a member of the Coast Guard Auxiliary shall not be deemed to be a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, Federal employee benefits, ethics, conflicts of interest, and other similar criminal or civil statutes and regulations governing the conduct of Federal employees. However, nothing in this subsection shall constrain the Commandant from prescribing standards for the conduct and behavior of members of the Auxiliary.

''(b) A member of the Auxiliary while assigned to duty shall be deemed to be a Federal employee only for the purposes of the following:

''(1) the Federal Tort Claims Act (28 U.S.C. 2671 et seq.), the Military Claims Act (10 U.S.C. 2733), the Public Vessels Act (46 U.S.C. App. 781–790), the Suits in Admiralty Act (46 U.S.C. App. 741–752), the Admiralty Extension Act (46 U.S.C. App. 740), and for other noncontractual civil liability purposes;

''(2) compensation for work injuries under chapter 81 of title 5, United States Code; and

''(3) the resolution of claims relating to damage to or loss of personal property of the member incident to service under the Military Personnel and Civilian Employees' Claims Act of 1964 (31 U.S.C. 3721).

''(c) A member of the Auxiliary, while assigned to duty, shall be deemed to be a person acting under an officer of the United States or an agency thereof for purposes of section 1442(a)(1) of title 28, United States Code.''.

(b) The table of sections for chapter 23 of title 14, United States Code, is amended by inserting the following new item after the item relating to section 823:

''823a. Members of the Auxiliary; status.''.

SEC. 404. ASSIGNMENT AND PERFORMANCE OF DUTIES.

Title 14, United States Code, is amended by striking ''specific'' each place it appears in sections 830, 831, and 832.

SEC. 405. COOPERATION WITH OTHER AGENCIES, STATES, TERRITORIES, AND POLITICAL SUBDIVISIONS.

(a) Section 141 of title 14, United States Code, is amended —

(1) by striking ''General'' in the section caption and inserting ''Cooperation with other agencies, States, Territories, and political subdivisions'';

(2) by inserting ''(which include members of the Auxiliary and facilities governed under chapter 23)'' after ''personnel and facilities'' in the first sentence of subsection (a); and

(3) by adding at the end of subsection (a) the following: ''The Commandant may prescribe conditions, including reimbursement, under which personnel and facilities may be provided under this subsection.''.

(b) The table of sections for chapter 7 of title 14, United States Code, is amended by striking ''General'' in the item relating to

section 141 and inserting ''Cooperation with other agencies, States, Territories, and political subdivisions.''.

SEC. 406. VESSEL DEEMED PUBLIC VESSEL.

The text of section 827 of title 14, United States Code, is amended to read as follows:

''While assigned to authorized Coast Guard duty, any motorboat or yacht shall be deemed to be a public vessel of the United States and a vessel of the Coast Guard within the meaning of sections 646 and 647 of this title and other applicable provisions of law.''.

SEC. 407. AIRCRAFT DEEMED PUBLIC AIRCRAFT.

The text of section 828 of title 14, United States Code, is amended to read as follows:

''While assigned to authorized Coast Guard duty, any aircraft shall be deemed to be a Coast Guard aircraft, a public vessel of the United States, and a vessel of the Coast Guard within the meaning of sections 646 and 647 of this title and other applicable provisions of law. Subject to the provisions of sections 823a and 831 of this title, while assigned to duty, qualified Auxiliary pilots shall be deemed to be Coast Guard pilots.''.

SEC. 408. DISPOSAL OF CERTAIN MATERIAL.

Section 641(a) of title 14, United States Code, is amended—

(1) by inserting ''to the Coast Guard Auxiliary, including any incorporated unit thereof,'' after ''with or without charge,''; and

(2) by striking ''to any incorporated unit of the Coast Guard Auxiliary,'' after ''America,''.

TITLE V—RECREATIONAL BOATING SAFETY IMPROVEMENT

SEC. 501. STATE RECREATIONAL BOATING SAFETY GRANTS.

(a) TRANSFER OF AMOUNTS FOR STATE BOATING SAFETY PROGRAMS.—

(1) TRANSFERS.—Section 4(b) of the Act of August 9, 1950 (16 U.S.C. 777c(b); commonly referred to as the ''Dingell-Johnson Sport Fish Restoration Act'') is amended to read as follows:

''(b)(1) Of the balance of each annual appropriation remaining after making the distribution under subsection (a), an amount equal to $15,000,000 for fiscal year 1995, $40,000,000 for fiscal year 1996, $55,000,000 for fiscal year 1997, and $69,000,000 for each of fiscal years 1998 and 1999, shall, subject to paragraph (2), be used as follows:

''(A) A sum equal to $7,500,000 of the amount available for fiscal year 1995, and a sum equal to $10,000,000 of the amount available for each of fiscal years 1996 and 1997, shall be available for use by the Secretary of the Interior for grants under section 5604(c) of the Clean Vessel Act of 1992. Any portion of such a sum available for a fiscal year that is not obligated for those grants before the end of the following fiscal year shall be transferred to the Secretary of Transportation and shall be expended by the Secretary of Transportation for State recreational boating safety programs under section 13106 of title 46, United States Code.

''(B) A sum equal to $7,500,000 of the amount available for fiscal year 1995, $30,000,000 of the amount available for fiscal year 1996, $45,000,000 of the amount available for fiscal year 1997, and $59,000,000 of the amount available for each of fiscal years 1998 and 1999, shall be transferred to the Secretary of Transportation and shall be expended by the Secretary of Transportation for recreational boating safety programs under section 13106 of title 46, United States Code.

''(C) A sum equal to $10,000,000 of the amount available for each of fiscal years 1998 and 1999 shall be available for use by the Secretary of the Interior for—

''(i) grants under section 502(e) of the Coast Guard Authorization Act of 1995; and

''(ii) grants under section 5604(c) of the Clean Vessel Act of 1992.

Any portion of such a sum available for a fiscal year that is not obligated for those grants before the end of the following fiscal year shall be transferred to the Secretary of Transportation and shall be expended by the Secretary of Transportation for State recreational boating safety programs under section 13106 of title 46, United States Code.

''(2)(A) Beginning with fiscal year 1996, the amount transferred under paragraph (1)(B) for a fiscal year shall be reduced by the lesser of—

''(i) the amount appropriated for that fiscal year from the Boat Safety Account in the Aquatic Resources Trust Fund established under section 9504 of the Internal Revenue Code of 1986 to carry out the purposes of section 13106 of title 46, United States Code; or

''(ii) $35,000,000.

''(iii) for fiscal year 1996 only, $30,000,000.

''(B) The amount of any reduction under subparagraph (A) shall be apportioned among the several States under subsection (d) of this section by the Secretary of the Interior.''.

(2) CONFORMING AMENDMENT.—Section 5604(c)(1) of the Clean Vessel Act of 1992 (33 U.S.C. 1322 note) is amended by striking ''section 4(b)(2) of the Act of August 9, 1950 (16 U.S.C. 777c(b)(2), as amended by this Act)'' and inserting ''section 4(b)(1) of the Act of August 9, 1950 (16 U.S.C. 777c(b)(1))''.

(b) EXPENDITURE OF AMOUNTS FOR STATE RECREATIONAL BOATING SAFETY PROGRAMS.—Section 13106 of title 46, United States Code, is amended—

(1) by striking the first sentence of subsection (a)(1) and inserting the following: ''Subject to paragraph (2), the Secretary shall expend under contracts with States under this chapter in each fiscal year for State recreational boating safety programs an amount equal to the sum of the amount appropriated from the Boat Safety Account for that fiscal year plus the amount transferred to the Secretary under section 4(b)(1) of the Act of August 9, 1950 (16 U.S.C. 777c(b)(1)) for that fiscal year.''; and

(2) by amending subsection (c) to read as follows:

''(c) For expenditure under this chapter for State recreational boating safety programs there are authorized to be appropriated to the Secretary of Transportation from the Boat Safety Account established under section 9504 of the Internal Revenue Code of 1986 (26 U.S.C. 9504) not more than $35,000,000 each fiscal year.''.

(c) EXCESS FY 1995 BOAT SAFETY ACCOUNT FUNDS TRANSFER.—Notwithstanding any other provision of law, $20,000,000 of the annual appropriation from the Sport Fish Restoration Account in fiscal year 1996 made in accordance with the provisions of section 3 of the Act of August 9, 1950 (16 U.S.C. 777b) shall be excluded from the calculation of amounts to be distributed under section 4(a) of such Act (16 U.S.C. 777c(a)).

SEC. 502. BOATING ACCESS.

(a) FINDINGS.—The Congress makes the following findings:

(1) Nontrailerable recreational motorboats contribute 15 percent of the gasoline taxes deposited in the Aquatic Resources Trust Fund while constituting less than 5 percent of the recreational vessels in the United States.

(2) The majority of recreational vessel access facilities constructed with Aquatic Resources Trust Fund moneys benefit trailerable recreational vessels.

(3) More Aquatic Resources Trust Fund moneys should be spent on recreational vessel access facilities that benefit recreational vessels that are nontrailerable vessels.

(b) PURPOSE.—The purpose of this section is to provide funds to States for the development of public facilities for transient nontrailerable vessels.

(c) SURVEY.—Within 18 months after the date of the enactment of this Act, any State may complete and submit to the Secretary of the Interior a survey which identifies—

(1) the number and location in the State of all public facilities for transient nontrailerable vessels; and

(2) the number and areas of operation in the State of all nontrailerable vessels that operate on navigable waters in the State.

(d) PLAN.—Within 6 months after submitting a survey to the Secretary of the Interior in accordance with subsection (c), an eligible State may develop and submit to the Secretary of the Interior a plan for the construction and renovation of public facilities for transient nontrailerable vessels to meet the needs of nontrailerable vessels operating on navigable waters in the State.

(e) GRANT PROGRAM.—

(1) MATCHING GRANTS.—The Secretary of the Interior shall obligate not less than one-half of the amount made available for each of fiscal years 1998 and 1999 under section 4(b)(1)(C) of the Act of August 9, 1950, as amended by section 501(a)(1) of this Act, to make grants to any eligible State to pay not more than 75 percent of the cost of constructing or renovating public facilities for transient nontrailerable vessels.

(2) PRIORITY.—

(A) IN GENERAL.—In awarding grants under this subsection, the Secretary of the Interior shall give priority to projects that consist of the construction or renovation of public facilities for transient nontrailerable vessels in accordance with a plan submitted by a State submitted under subsection (d).

(B) WITHIN STATE.—In awarding grants under this subsection for projects in a particular State, the Secretary of the Interior shall give priority to projects that are likely to serve the greatest number of nontrailerable vessels.

(f) DEFINITIONS.—For the purpose of this section and section 501 of this Act the term—

(1) ''Act of August 9, 1950'' means the Act entitled ''An Act to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes'', approved August 9, 1950 (16 U.S.C. 777a et seq.);

(2) ''nontrailerable vessel'' means a recreational vessel greater than 26 feet in length;

(3) ''public facilities for transient nontrailerable vessels'' means mooring buoys, day-docks, seasonal slips or similar structures located on navigable waters, that are available to the general public and designed for temporary use by nontrailerable vessels;

(4) ''recreational vessel'' means a vessel—

(A) operated primarily for pleasure; or

(B) leased, rented, or chartered to another for the latter's pleasure; and

(5) ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Marianas.

SEC. 503. PERSONAL FLOTATION DEVICES REQUIRED FOR CHILDREN.

(a) PROHIBITION.—Section 4307(a) of title 46, United States Code, is amended—

(1) by striking ''or'' after the semicolon in paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting a semicolon and ''or''; and

(3) by adding at the end the following:

''(4) operate a recreational vessel under 26 feet in length unless each individual 6 years

of age or younger wears a Coast Guard approved personal flotation device when the individual is on an open deck of the vessel.''.

(b) STATE AUTHORITY PRESERVED.—Section 4307 of title 46, United States Code, is amended by adding at the end thereof the following:

''(c) Subsection (a)(4) shall not be construed to limit the authority of a State to establish requirements relating to the wearing of personal flotation devices on recreational vessels that are more stringent than the requirements of that subsection.''.

(c) PENALTY.—Section 4311 of title 46, United States Code, is amended by adding at the end the following new subsection:

''(h) Notwithstanding any other provision of this section, in the case of a person violating section 4307(a)(4) of this title—

''(1) the maximum penalty assessable under subsection (a) is a fine of $100 with no imprisonment; and

''(2) the maximum civil penalty assessable under subsection (c) is $100.''.

SEC. 504. MARINE CASUALTY REPORTING.

(a) SUBMISSION OF PLAN.—Not later than one year after enactment of this Act, the Secretary of Transportation shall, in consultation with appropriate State agencies, submit to the Committee on Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan to increase reporting of vessel accidents to appropriate State law enforcement officials.

(b) PENALTIES FOR VIOLATING REPORTING REQUIREMENTS.—Section 6103(a) of title 46, United States Code, is amended by inserting ''or 6102'' after ''6101'' the second place it appears.

TITLE VI—COAST GUARD REGULATORY REFORM

SEC. 601. SHORT TITLE.

This title may be cited as the ''Coast Guard Regulatory Reform Act of 1995''.

SEC. 602. SAFETY MANAGEMENT.

(a) MANAGEMENT OF VESSELS.—Title 46, United States Code, is amended by adding after chapter 31 the following new chapter:

''CHAPTER 32—MANAGEMENT OF VESSELS

''§ 3201. Definitions

''In this chapter—

''(1) 'International Safety Management Code' has the same meaning given that term in chapter IX of the Annex to the International Convention for the Safety of Life at Sea, 1974;

''(2) 'responsible person' means—

''(A) the owner of a vessel to which this chapter applies; or

''(B) any other person that has—

''(i) assumed the responsibility for operation of a vessel to which this chapter applies from the owner; and

''(ii) agreed to assume with respect to the vessel responsibility for complying with all the requirements of this chapter and the regulations prescribed under this chapter.

''(3) 'vessel engaged on a foreign voyage' means a vessel to which this chapter applies—

''(A) arriving at a place under the jurisdiction of the United States from a place in a foreign country;

''(B) making a voyage between places outside the United States; or

''(C) departing from a place under the jurisdiction of the United States for a place in a foreign country.

''§ 3202. Application

''(a) MANDATORY APPLICATION.—This chapter applies to the following vessels engaged on a foreign voyage:

''(1) Beginning July 1, 1998—

''(A) a vessel transporting more than 12 passengers described in section 2101(21)(A) of this title; and

''(B) a tanker, bulk freight vessel, or high-speed freight vessel, of at least 500 gross tons.

''(2) Beginning July 1, 2002, a freight vessel and a self-propelled mobile offshore drilling unit of at least 500 gross tons.

''(b) VOLUNTARY APPLICATION.—This chapter applies to a vessel not described in subsection (a) of this section if the owner of the vessel requests the Secretary to apply this chapter to the vessel.

''(c) EXCEPTION.—Except as provided in subsection (b) of this section, this chapter does not apply to—

''(1) a barge;

''(2) a recreational vessel not engaged in commercial service;

''(3) a fishing vessel;

''(4) a vessel operating on the Great Lakes or its tributary and connecting waters; or

''(5) a public vessel.

''§ 3203. Safety management system

''(a) IN GENERAL.—The Secretary shall prescribe regulations which establish a safety management system for responsible persons and vessels to which this chapter applies, including—

''(1) a safety and environmental protection policy;

''(2) instructions and procedures to ensure safe operation of those vessels and protection of the environment in compliance with international and United States law;

''(3) defined levels of authority and lines of communications between, and among, personnel on shore and on the vessel;

''(4) procedures for reporting accidents and nonconformities with this chapter;

''(5) procedures for preparing for and responding to emergency situations; and

''(6) procedures for internal audits and management reviews of the system.

''(b) COMPLIANCE WITH CODE.—Regulations prescribed under this section shall be consistent with the International Safety Management Code with respect to vessels engaged on a foreign voyage.

''§ 3204. Implementation of safety management system

''(a) SAFETY MANAGEMENT PLAN.—Each responsible person shall establish and submit to the Secretary for approval a safety management plan describing how that person and vessels of the person to which this chapter applies will comply with the regulations prescribed under section 3203(a) of this title.

''(b) APPROVAL.—Upon receipt of a safety management plan submitted under subsection (a), the Secretary shall review the plan and approve it if the Secretary determines that it is consistent with and will assist in implementing the safety management system established under section 3203.

''(c) PROHIBITION ON VESSEL OPERATION.—A vessel to which this chapter applies under section 3202(a) may not be operated without having on board a Safety Management Certificate and a copy of a Document of Compliance issued for the vessel under section 3205 of this title.

''§3205. Certification

''(a) ISSUANCE OF CERTIFICATE AND DOCUMENT.—After verifying that the responsible person for a vessel to which this chapter applies and the vessel comply with the applicable requirements under this chapter, the Secretary shall issue for the vessel, on request of the responsible person, a Safety Management Certificate and a Document of Compliance.

''(b) MAINTENANCE OF CERTIFICATE AND DOCUMENT.—A Safety Management Certificate and a Document of Compliance issued for a vessel under this section shall be maintained by the responsible person for the vessel as required by the Secretary.

''(c) VERIFICATION OF COMPLIANCE.—The Secretary shall—

''(1) periodically review whether a responsible person having a safety management plan approved under section 3204(b) and each vessel to which the plan applies is complying with the plan; and

''(2) revoke the Secretary's approval of the plan and each Safety Management Certificate and Document of Compliance issued to the person for a vessel to which the plan applies, if the Secretary determines that the person or a vessel to which the plan applies has not complied with the plan.

''(d) ENFORCEMENT.—At the request of the Secretary, the Secretary of the Treasury shall withhold or revoke the clearance required by section 4197 of the Revised Statutes (46 U.S.C. App. 91) of a vessel that is subject to this chapter under section 3202(a) of this title or to the International Safety Management Code, if the vessel does not have on board a Safety Management Certificate and a copy of a Document of Compliance for the vessel. Clearance may be granted on filing a bond or other surety satisfactory to the Secretary.''.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of subtitle II of title 46, United States Code, is amended by inserting after the item relating to chapter 31 the following:

(c) STUDY.—

(1) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall conduct, in cooperation with the owners, charterers, and managing operators of vessels documented under chapter 121 of title 46, United States Code, and other interested persons, a study of the methods that may be used to implement and enforce the International Management Code for the Safe Operation of Ships and for Pollution Prevention under chapter IX of the Annex to the International Convention for the Safety of Life at Sea, 1974.

(2) REPORT.—The Secretary shall submit to the Congress a report of the results of the study required under paragraph (1) before the earlier of—

(A) the date that final regulations are prescribed under section 3203 of title 46, United States Code (as enacted by subsection (a); or

(B) the date that is 1 year after the date of enactment of this Act.

SEC. 603. USE OF REPORTS, DOCUMENTS, RECORDS, AND EXAMINATIONS OF OTHER PERSONS.

(a) REPORTS, DOCUMENTS, AND RECORDS.—Chapter 31 of title 46, United States Code, is amended by adding the following new section:

''§ 3103. Use of reports, documents, and records

''The Secretary may rely, as evidence of compliance with this subtitle, on—

''(1) reports, documents, and records of other persons who have been determined by the Secretary to be reliable; and

''(2) other methods the Secretary has determined to be reliable.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 31 of title 46, United States Code, is amended by adding at the end the following:

(c) EXAMINATIONS.—Section 3308 of title 46, United States Code, is amended by inserting ''or have examined'' after ''examine''.

SEC. 604. EQUIPMENT APPROVAL.

(a) IN GENERAL.—Section 3306(b) of title 46, United States Code, is amended to read as follows:

''(b)(1) Equipment and material subject to regulation under this section may not be used on any vessel without prior approval of the Secretary.

''(2) Except with respect to use on a public vessel, the Secretary may treat an approval of equipment or materials by a foreign government as approval by the Secretary for purposes of paragraph (1) if the Secretary determines that—

''(A) the design standards and testing procedures used by that government meet the requirements of the International Convention for the Safety of Life at Sea, 1974;

''(B) the approval of the equipment or material by the foreign government will secure the safety of individuals and property on board vessels subject to inspection; and

''(C) for lifesaving equipment, the foreign government—

''(i) has given equivalent treatment to approvals of lifesaving equipment by the Secretary; and

''(ii) otherwise ensures that lifesaving equipment approved by the Secretary may be used on vessels that are documented and subject to inspection under the laws of that country.''.

(b) FOREIGN APPROVALS.—The Secretary of Transportation, in consultation with other interested Federal agencies, shall work with foreign governments to have those governments approve the use of the same equipment and materials on vessels documented under the laws of those countries that the Secretary requires on United States documented vessels.

(c) TECHNICAL AMENDMENT.—Section 3306(a)(4) of title 46, United States Code, is amended by striking ''clauses (1)–(3)'' and inserting ''paragraphs (1), (2), and (3)''.

SEC. 605. FREQUENCY OF INSPECTION.

(a) FREQUENCY OF INSPECTION, GENERALLY.—Section 3307 of title 46, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking ''nautical school vessel'' and inserting '', nautical school vessel, and small passenger vessel allowed to carry more than 12 passengers on a foreign voyage''; and

(B) by adding ''and'' after the semicolon at the end;

(2) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(3) in paragraph (2) (as so redesignated), by striking ''2 years'' and inserting ''5 years''.

(b) CONFORMING AMENDMENT.—Section 3710(b) of title 46, United States Code, is amended by striking ''24 months'' and inserting ''5 years''.

SEC. 606. CERTIFICATE OF INSPECTION.

Section 3309(c) of title 46, United States Code, is amended by striking ''(but not more than 60 days)''.

SEC. 607. DELEGATION OF AUTHORITY OF SECRETARY TO CLASSIFICATION SOCIETIES.

(a) AUTHORITY TO DELEGATE.—Section 3316 of title 46, United States Code, is amended—

(1) by striking subsections (a) and (d);

(2) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively;

(3) by striking ''Bureau'' in subsection (a), as redesignated, and inserting ''American Bureau of Shipping''; and

(4) in subsection (b), as so redesignated, by—

(A) redesignating paragraph (2) as paragraph (3); and

(B) striking so much of the subsection as precedes paragraph (3), as so redesignated, and inserting the following:

''(b)(1) The Secretary may delegate to the American Bureau of Shipping or another classification society recognized by the Secretary as meeting acceptable standards for such a society, for a vessel documented or to be documented under chapter 121 of this title, the authority to—

''(A) review and approve plans required for issuing a certificate of inspection required by this part;

''(B) conduct inspections and examinations; and

''(C) issue a certificate of inspection required by this part and other related documents.

''(2) The Secretary may make a delegation under paragraph (1) to a foreign classification society only—

''(A) to the extent that the government of the foreign country in which the society is headquartered delegates authority and provides access to the American Bureau of Shipping to inspect, certify, and provide related services to vessels documented in that country; and

''(B) if the foreign classification society has offices and maintains records in the United States.''.

(b) CONFORMING AMENDMENTS.—

(1) The heading for section 3316 of title 46, United States Code, is amended to read as follows:

''§ 3316. Classification societies''.

(2) The table of sections for chapter 33 of title 46, United States Code, is amended by striking the item relating to section 3316 and inserting the following:

''3316. Classification societies.''.

TITLE VII—TECHNICAL AND CONFORMING AMENDMENTS

SEC. 701. AMENDMENT OF INLAND NAVIGATION RULES.

Section 2 of the Inland Navigational Rules Act of 1980 is amended—

(1) by amending Rule 9(e)(i) (33 U.S.C. 2009(e)(i)) to read as follows:

''(i) In a narrow channel or fairway when overtaking, the power-driven vessel intending to overtake another power-driven vessel shall indicate her intention by sounding the appropriate signal prescribed in Rule 34(c) and take steps to permit safe passing. The power-driven vessel being overtaken, if in agreement, shall sound the same signal and may, if specifically agreed to take steps to permit safe passing. If in doubt she shall sound the danger signal prescribed in Rule 34(d).'';

(2) in Rule 15(b) (33 U.S.C. 2015(b)) by inserting ''power-driven'' after ''Secretary, a'';

(3) in Rule 23(a)(i) (33 U.S.C. 2023(a)(i)) after ''masthead light forward''; by striking ''except that a vessel of less than 20 meters in length need not exhibit this light forward of amidships but shall exhibit it as far forward as is practicable;'';

(4) by amending Rule 24(f) (33 U.S.C. 2024(f)) to read as follows:

''(f) Provided that any number of vessels being towed alongside or pushed in a group shall be lighted as one vessel, except as provided in paragraph (iii)—

''(i) a vessel being pushed ahead, not being part of a composite unit, shall exhibit at the forward end, sidelights and a special flashing light;

''(ii) a vessel being towed alongside shall exhibit a sternlight and at the forward end, sidelights and a special flashing light; and

''(iii) when vessels are towed alongside on both sides of the towing vessels a stern light shall be exhibited on the stern of the outboard vessel on each side of the towing vessel, and a single set of sidelights as far forward and as far outboard as is practicable, and a single special flashing light.'';

(5) in Rule 26 (33 U.S.C. 2026)—

(A) in each of subsections (b)(i) and (c)(i) by striking ''a vessel of less than 20 meters in length may instead of this shape exhibit a basket;''; and

(B) by amending subsection (d) to read as follows:

''(d) The additional signals described in Annex II to these Rules apply to a vessel engaged in fishing in close proximity to other vessels engaged in fishing.''; and

(6) by amending Rule 34(h) (33 U.S.C. 2034) to read as follows:

''(h) A vessel that reaches agreement with another vessel in a head-on, crossing, or overtaking situation, as for example, by using the radiotelephone as prescribed by the Vessel Bridge-to-Bridge Radiotelephone Act (85 Stat. 164; 33 U.S.C. 1201 et seq.), is not obliged to sound the whistle signals prescribed by this rule, but may do so. If agreement is not reached, then whistle signals shall be exchanged in a timely manner and shall prevail.''.

SEC. 702. MEASUREMENT OF VESSELS.

Section 14104 of title 46, United States Code, is amended by redesignating the existing text after the section heading as subsection (a) and by adding at the end the following new subsection:

''(b) If a statute allows for an alternate tonnage to be prescribed under this section, the Secretary may prescribe it by regulation. Any such regulation shall be considered to be an interpretive regulation for purposes of section 553 of title 5. Until an alternate tonnage is prescribed, the statutorily established tonnage shall apply to vessels measured under chapter 143 or chapter 145 of this title.''.

SEC. 703. LONGSHORE AND HARBOR WORKERS COMPENSATION.

Section 3(d)(3)(B) of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 903(d)(3)(B)) is amended by inserting after ''1,600 tons gross'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 704. RADIOTELEPHONE REQUIREMENTS.

Section 4(a)(2) of the Vessel Bridge-to-Bridge Radiotelephone Act (33 U.S.C. 1203(a)(2)) is amended by inserting after ''one hundred gross tons'' the following ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title,''.

SEC. 705. VESSEL OPERATING REQUIREMENTS.

Section 4(a)(3) of the Ports and Waterways Safety Act (33 U.S.C. 1223(a)(3)) is amended by inserting after ''300 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 706. MERCHANT MARINE ACT, 1920.

Section 27A of the Merchant Marine Act, 1920 (46 U.S.C. App. 883–1), is amended by inserting after ''five hundred gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title,''.

SEC. 707. MERCHANT MARINE ACT, 1956.

Section 2 of the Act of June 14, 1956 (46 U.S.C. App. 883a), is amended by inserting after ''five hundred gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that

title as prescribed by the Secretary under section 14104 of that title''.

SEC. 708. MARITIME EDUCATION AND TRAINING.

Section 1302(4)(A) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1295a(4)(a)) is amended by inserting after ''1,000 gross tons or more'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 709. GENERAL DEFINITIONS.

Section 2101 of title 46, United States Code, is amended—

(1) in paragraph (13), by inserting after ''15 gross tons'' the following: ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title'';

(2) in paragraph (13a), by inserting after ''3,500 gross tons'' the following: ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title'';

(3) in paragraph (19), by inserting after ''500 gross tons'' the following: ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title'';

(4) in paragraph (22), by inserting after ''100 gross tons'' the following: ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title'';

(5) in paragraph (30)(A), by inserting after ''500 gross tons'' the following: ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title'';

(6) in paragraph (32), by inserting after ''100 gross tons'' the following: ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title'';

(7) in paragraph (33), by inserting after ''300 gross tons'' the following: ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title'';

(8) in paragraph (35), by inserting after ''100 gross tons'' the following: ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title''; and

(9) in paragraph (42), by inserting after ''100 gross tons'' each place it appears, the following: ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title''.

SEC. 710. AUTHORITY TO EXEMPT CERTAIN VESSELS.

Section 2113 of title 46, United States Code, is amended—

(1) in paragraph (4), by inserting after ''at least 100 gross tons but less than 300 gross tons'' the following: ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title''; and

(2) in paragraph (5), by inserting after ''at least 100 gross tons but less than 500 gross tons'' the following: ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title''.

SEC. 711. INSPECTION OF VESSELS.

Section 3302 of title 46, United States Code, is amended—

(1) in subsection (c)(1), by inserting after ''5,000 gross tons'' the following: ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title'';

(2) in subsection (c)(2), by inserting after ''500 gross tons'' the following: ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title'';

(3) in subsection (c)(3), by inserting after ''500 gross tons'' the following: ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title'';

(4) in subsection (c)(4)(A), by inserting after ''500 gross tons'' the following: ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title'';

(5) in subsection (d)(1), by inserting after ''150 gross tons'' the following: ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title'';

(6) in subsection (i)(1)(A), by inserting after ''300 gross tons'' the following: ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title''; and

(7) in subsection (j), by inserting after ''15 gross tons'' the following: ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title''.

SEC. 712. REGULATIONS.

Section 3306 of title 46, United States Code, is amended—

(1) in subsection (h), by inserting after ''at least 100 gross tons but less than 300 gross tons'' the following: ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title''; and

(2) in subsection (i), by inserting after ''at least 100 gross tons but less than 500 gross tons'' the following: ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title''.

SEC. 713. PENALTIES—INSPECTION OF VESSELS.

Section 3318 of title 46, United States Code, is amended—

(1) in subsection (a), by inserting after ''100 gross tons'' the following: ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title''; and

(2) in subsection (j)(1), by inserting after ''1,600 gross tons'' the following: ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title''.

SEC. 714. APPLICATION—TANK VESSELS.

Section 3702 of title 46, United States Code, is amended—

(1) in subsection (b)(1), by inserting after ''500 gross tons'' the following: ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title'';

(2) in subsection (c), by inserting after ''500 gross tons'' the following: ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title''; and

(3) in subsection (d), by inserting after ''5,000 gross tons'' the following: ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title''.

SEC. 715. TANK VESSEL CONSTRUCTION STANDARDS.

Section 3703a of title 46, United States Code, is amended—

(1) in subsection (b)(2), by inserting after ''5,000 gross tons'' the following: ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title'';

(2) in subsection (c)(2), by inserting after ''5,000 gross tons'' each place it appears the following: ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title'';

(3) in subsection (c)(3)(A), by inserting after ''15,000 gross tons'' the following: ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title'';

(4) in subsection (c)(3)(B), by inserting after ''30,000 gross tons'' the following: ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title''; and

(5) in subsection (c)(3)(C), by inserting after ''30,000 gross tons'' the following: ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title''.

SEC. 716. TANKER MINIMUM STANDARDS.

Section 3707 of title 46, United States Code, is amended—

(1) in subsection (a), by inserting after ''10,000 gross tons'' the following: ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title''; and

(2) in subsection (b), by inserting after ''10,000 gross tons'' the following: ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title''.

SEC. 717. SELF-PROPELLED TANK VESSEL MINIMUM STANDARDS.

Section 3708 of title 46, United States Code, is amended by inserting after ''10,000 gross tons'' the following: ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title''.

SEC. 718. DEFINITION—ABANDONMENT OF BARGES.

Section 4701(1) of title 46, United States Code, is amended by inserting after ''100 gross tons'' the following: ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title''.

SEC. 719. APPLICATION—LOAD LINES.

Section 5102(b) of title 46, United States Code, is amended—

(1) in paragraph (4), by inserting after ''5,000 gross tons'' the following: ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title'';

(2) in paragraph (5), by inserting after ''500 gross tons'' the following: ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title''; and

(3) in paragraph (10), by inserting after ''150 gross tons'' the following: ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title''.

SEC. 720. LICENSING OF INDIVIDUALS.

Section 7101(e)(3) of title 46, United States Code, is amended by inserting after ''1,600 gross tons'' the following: ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title''.

SEC. 721. ABLE SEAMEN—LIMITED.

Section 7308 of title 46, United States Code, is amended by inserting after ''100 gross tons'' the following: ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title''.

SEC. 722. ABLE SEAMEN—OFFSHORE SUPPLY VESSELS.

Section 7310 of title 46, United States Code, is amended by inserting after ''500 gross tons'' the following: ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title''.

SEC. 723. SCALE OF EMPLOYMENT—ABLE SEAMEN.

Section 7312 of title 46, United States Code, is amended—

(1) in subsection (b), by inserting after ''1,600 gross tons'' the following: ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title'';

(2) in subsection (c)(1), by inserting after ''500 gross tons'' the following: ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title'';

(3) in subsection (d), by inserting after ''500 gross tons'' the following: ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title'';

(4) in subsection (f)(1), by inserting after ''5,000 gross tons'' the following: ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title''; and

(5) in subsection (f)(2), by inserting after ''5,000 gross tons'' the following: ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title''.

SEC. 724. GENERAL REQUIREMENTS—ENGINE DEPARTMENT.

Section 7313(a) of title 46, United States Code, is amended by inserting after ''100 gross tons'' the following: ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title''.

SEC. 725. COMPLEMENT OF INSPECTED VESSELS.

Section 8101(h) of title 46, United States Code, is amended by inserting after ''100 gross tons'' the following: ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title''.

SEC. 726. WATCHMEN.

Section 8102(b) of title 46, United States Code, is amended by inserting after ''100 gross tons'' the following: ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title''.

SEC. 727. CITIZENSHIP AND NAVAL RESERVE REQUIREMENTS.

Section 8103(b)(3)(A) of title 46, United States Code, is amended by inserting after ''1,600 gross tons'' the following: ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title''.

SEC. 728. WATCHES.

Section 8104 of title 46, United States Code, is amended—

(1) in subsection (b), by inserting after ''100 gross tons'' the following: ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title'';

(2) in subsection (d), by inserting after ''100 gross tons'' and after ''5,000 gross tons'' the following: ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title'';

(3) in subsection (l)(1), by inserting after ''1,600 gross tons'' the following: ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title'';

(4) in subsection (m)(1), by inserting after ''1,600 gross tons'' the following: ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title'';

(5) in subsection (o)(1), by inserting after ''500 gross tons'' the following: ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title''; and

(6) in subsection (o)(2), by inserting after ''500 gross tons'' the following: ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title''.

SEC. 729. MINIMUM NUMBER OF LICENSED INDIVIDUALS.

Section 8301 of title 46, United States Code, is amended—

(1) in subsection (a)(2), by inserting after ''1,000 gross tons'' the following: ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title'';

(2) in subsection (a)(3), by inserting after ''at least 200 gross tons but less than 1,000 gross tons'' the following: ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title'';

(3) in subsection (a)(4), by inserting after ''at least 100 gross tons but less than 200 gross tons'' the following: ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title'';

(4) in subsection (a)(5), by inserting after ''300 gross tons'' the following: ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title'';

(5) in subsection (b), by inserting after ''200 gross tons'' the following: ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title''; and

(6) by inserting ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title'' after ''200 gross tons'' in subsection (e)(3).

SEC. 730. OFFICERS' COMPETENCY CERTIFICATES CONVENTION.

Section 8304(b)(4) of title 46, United States Code, is amended by inserting after ''200 gross tons'' the following: ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title''.

SEC. 731. MERCHANT MARINERS' DOCUMENTS REQUIRED.

Section 8701 of title 46, United States Code, is amended—

(1) in subsection (a), by inserting after ''100 gross tons'' the following: ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title''; and

(2) in subsection (a)(6), by inserting after ''1,600 gross tons'' the following: ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title''.

SEC. 732. CERTAIN CREW REQUIREMENTS.

Section 8702 of title 46, United States Code, is amended—

(1) in subsection (a), by inserting after ''100 gross tons'' the following: ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title''; and

(2) in subsection (a)(6), by inserting after ''1,600 gross tons'' the following: ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title''.

SEC. 733. FREIGHT VESSELS.

Section 8901 of title 46, United States Code, is amended by inserting after ''100 gross tons'' the following: ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title''.

SEC. 734. EXEMPTIONS.

Section 8905(b) of title 46, United States Code, is amended by inserting after ''200 gross tons'' the following: ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title''.

SEC. 735. UNITED STATES REGISTERED PILOT SERVICE.

Section 9303(a)(2) of title 46, United States Code, is amended by inserting after ''4,000 gross tons'' the following: ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title''.

SEC. 736. DEFINITIONS—MERCHANT SEAMEN PROTECTION.

Section 10101(4)(B) of title 46, United States Code, is amended by inserting after ''1,600 gross tons'' the following: ''as measured under section 14502 of this title, or an alternate tonnage measured under section

14302 of this title as prescribed by the Secretary under section 14104 of this title''.

SEC. 737. APPLICATION—FOREIGN AND INTERCOASTAL VOYAGES.

Section 10301(a)(2) of title 46, United States Code, is amended by inserting after ''75 gross tons'' the following: ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title''.

SEC. 738. APPLICATION—COASTWISE VOYAGES.

Section 10501(a) of title 46, United States Code, is amended by inserting after ''50 gross tons'' the following: ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title''.

SEC. 739. FISHING AGREEMENTS.

Section 10601(a)(1) of title 46, United States Code, is amended by inserting after ''20 gross tons'' the following: ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title''.

SEC. 740. ACCOMMODATIONS FOR SEAMEN.

Section 11101(a) of title 46, United States Code, is amended by inserting after ''100 gross tons'' the following: ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title''.

SEC. 741. MEDICINE CHESTS.

Section 11102(a) of title 46, United States Code, is amended by inserting after ''75 gross tons'' the following: ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title''.

SEC. 742. LOGBOOK AND ENTRY REQUIREMENTS.

Section 11301(a)(2) of title 46, United States Code, is amended by inserting after ''100 gross tons'' the following: ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title''.

SEC. 743. COASTWISE ENDORSEMENTS.

Section 12106(c)(1) of title 46, United States Code, is amended by striking ''two hundred gross tons'' and inserting ''200 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title''.

SEC. 744. FISHERY ENDORSEMENTS.

Section 12108(c)(1) of title 46, United States Code, is amended by striking ''two hundred gross tons'' and inserting ''200 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title''.

SEC. 745. CONVENTION TONNAGE FOR LICENSES, CERTIFICATES, AND DOCUMENTS.

(a) AUTHORITY TO USE CONVENTION TONNAGE.—Chapter 75 of title 46, United States Code, is amended by adding at the end the following:

''§ 7506. Convention tonnage for licenses, certificates, and documents

''Notwithstanding any provision of section 14302(c) or 14305 of this title, the Secretary may—

''(1) evaluate the service of an individual who is applying for a license, a certificate of registry, or a merchant mariner's document by using the tonnage as measured under chapter 143 of this title for the vessels on which that service was acquired, and

''(2) issue the license, certificate, or document based on that service.''.

(b) CLERICAL AMENDMENT.—The analysis to chapter 75 of title 46, United States Code, is amended by adding a new item as follows:

''7506. Convention tonnage for licenses, certificates, and documents.''.

SEC. 746. TECHNICAL CORRECTIONS.

(a) Title 46, United States Code, is amended—

(1) by striking the first section 12123 in chapter 121;

(2) by striking the first item relating to section 12123 in the table of sections for such chapter 121;

(3) by striking ''proceeding'' in section 13108(a)(1) and inserting ''preceding''; and

(4) by striking ''Secertary'' in section 13108(a)(1) and inserting ''Secretary''.

(b) Section 645 of title 14, United States Code, is amended by redesignating the second subsection (d) and subsections (e) through (h) as subsection (e) and subsections (f) through (i), respectively.

TITLE VIII—POLLUTION FROM SHIPS

SEC. 801. PREVENTION OF POLLUTION FROM SHIPS.

(a) IN GENERAL.—Section 6 of the Act to Prevent Pollution From Ships (33 U.S.C. 1905) is amended—

(1) by striking ''(2) If'' in subsection (c)(2) and inserting ''(2)(A) Subject to subparagraph (B), if''; and

(2) by adding at the end of subsection (c)(2) the following:

''(B) The Secretary may not issue a certificate attesting to the adequacy of reception facilities under this paragraph unless, prior to the issuance of the certificate, the Secretary conducts an inspection of the reception facilities of the port or terminal that is the subject of the certificate.

''(C) The Secretary may, with respect to certificates issued under this paragraph prior to the date of enactment of the Coast Guard Authorization Act of 1995, prescribe by regulation differing periods of validity for such certificates.'';

(3) by striking subsection (c)(3)(A) and inserting the following:

''(A) is valid for the 5-year period beginning on the date of issuance of the certificate, except that if—

''(i) the charge for operation of the port or terminal is transferred to a person or entity other than the person or entity that is the operator on the date of issuance of the certificate—

''(I) the certificate shall expire on the date that is 30 days after the date of the transfer; and

''(II) the new operator shall be required to submit an application for a certificate before a certificate may be issued for the port or terminal; or

''(ii) the certificate is suspended or revoked by the Secretary, the certificate shall cease to be valid; and''; and

(4) by striking subsection (d) and inserting the following:

''(d)(1) The Secretary shall maintain a list of ports or terminals with respect to which a certificate issued under this section—

''(A) is in effect; or

''(B) has been revoked or suspended.

''(2) The Secretary shall make the list referred to in paragraph (1) available to the general public.''.

(b) RECEPTION FACILITY PLACARDS.—Section 6(f) of the Act to Prevent Pollution From Ships (33 U.S.C. 1905(f)) is amended—

(1) by inserting ''(1)'' before ''The Secretary''; and

(2) by adding at the end the following new paragraph:

''(2)(A) Not later than 18 months after the date of enactment of the Coast Guard Authorization Act of 1995, the Secretary shall promulgate regulations that require the operator of each port or terminal that is subject to any requirement of the MARPOL Protocol relating to reception facilities to post a placard in a location that can easily be seen by port and terminal users. The placard shall state, at a minimum, that a user of a reception facility of the port or terminal should report to the Secretary any inadequacy of the reception facility.''.

SEC. 802. MARINE PLASTIC POLLUTION RESEARCH AND CONTROL.

(a) COMPLIANCE REPORTS.—Section 2201(a) of the Marine Plastic Pollution Research and Control Act of 1987 (33 U.S.C. 1902 note) is amended—

(1) by striking ''for a period of 6 years''; and

(2) by inserting before the period at the end the following: ''and, not later than 1 year after the date of enactment of the Coast Guard Authorization Act of 1995, and annually thereafter, shall publish in the Federal Register a list of the enforcement actions taken against any domestic or foreign ship (including any commercial or recreational ship) pursuant to the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.)''.

(b) COORDINATION.—Section 2203 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 2803) is amended to read as follows:

''SEC. 2203. COORDINATION.

''(a) ESTABLISHMENT OF MARINE DEBRIS COORDINATING COMMITTEE.—The Secretary of Commerce shall establish a Marine Debris Coordinating Committee.

''(b) MEMBERSHIP.—The Committee shall include a senior official from—

''(1) the National Oceanic and Atmospheric Administration, who shall serve as the Chairperson of the Committee;

''(2) the Environmental Protection Agency;

''(3) the United States Coast Guard;

''(4) the United States Navy; and

''(5) such other Federal agencies that have an interest in ocean issues or water pollution prevention and control as the Secretary of Commerce determines appropriate.

''(c) MEETINGS.—The Committee shall meet at least twice a year to provide a forum to ensure the coordination of national and international research, monitoring, education, and regulatory actions addressing the persistent marine debris problem.

''(d) MONITORING.—The Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, in cooperation with the Administrator of the Environmental Protection Agency, shall utilize the marine debris data derived under title V of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 2801 et seq.) to assist—

''(1) the Committee in ensuring coordination of research, monitoring, education and regulatory actions; and

''(2) the United States Coast Guard in assessing the effectiveness of this Act and the Act to Prevent Pollution from Ships in ensuring compliance under section 2201.''.

(c) PUBLIC OUTREACH PROGRAM.—Section 2204(a) of the Marine Plastic Pollution Research and Control Act (42 U.S.C. 6981 note) is amended—

(1) by striking ''for a period of at least 3 years,'' in the matter preceding paragraph (1)(A)—

(2) by striking ''and'' at the end of paragraph (1)(C);

(3) by striking the period at the end of subparagraph (1)(D) and inserting ''; and'';

(4) by adding at the end of paragraph (1) the following:

''(E) the requirements under this Act and the Act to Prevent Pollution from Ships (33

U.S.C. 1901 et seq.) with respect to ships and ports, and the authority of citizens to report violations of this Act and the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.).''; and

(5) by striking paragraph (2) and inserting the following:

''(2) AUTHORIZED ACTIVITIES.—

''(A) PUBLIC OUTREACH PROGRAM.—A public outreach program under paragraph (1) may include—

''(i) developing and implementing a voluntary boaters' pledge program;

''(ii) workshops with interested groups;

''(iii) public service announcements;

''(iv) distribution of leaflets and posters; and

''(v) any other means appropriate to educating the public.

''(B) GRANTS AND COOPERATIVE AGREEMENTS.—To carry out this section, the Secretary of the department in which the Coast Guard is operating, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency are authorized to award grants, enter into cooperative agreements with appropriate officials of other Federal agencies and agencies of States and political subdivisions of States and with public and private entities, and provide other financial assistance to eligible recipients.

''(C) CONSULTATION.—In developing outreach initiatives for groups that are subject to the requirements of this title and the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.), the Secretary of the department in which the Coast Guard is operating, in consultation with the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, and the Administrator of the Environmental Protection Agency, shall consult with—

''(i) the heads of State agencies responsible for implementing State boating laws; and

''(ii) the heads of other enforcement agencies that regulate boaters or commercial fishermen.''.

TITLE IX—LAW ENFORCEMENT ENHANCEMENT

SEC. 901. SANCTIONS FOR FAILURE TO LAND OR TO BRING TO; SANCTIONS FOR OBSTRUCTION OF BOARDING AND PROVIDING FALSE INFORMATION.

(a) IN GENERAL.—Chapter 109 of title 18, United States Code, is amended by adding at the end new section 2237 to read as follows:

''§ 2237. Sanctions for failure to land or to bring to; sanctions for obstruction of boarding and providing false information

''(a)(1) It shall be unlawful for the pilot, operator, or person in charge of an aircraft which has crossed the border of the United States, or an aircraft subject to the jurisdiction of the United States operating outside the United States, to knowingly fail to obey an order to land by an authorized Federal law enforcement officer who is enforcing the laws of the United States relating to controlled substances, as that term is defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)), or relating to money laundering (sections 1956–57 of this title).

''(2) The Administrator of the Federal Aviation Administration, in consultation with the Commissioner of Customs and the Attorney General, shall prescribe regulations governing the means by, and circumstances under which a Federal law enforcement officer may communicate an order to land to a pilot, operator, or person in charge of an aircraft. Such regulations shall ensure that any such order is clearly communicated in accordance with applicable international standards. Further, such regulations shall establish guidelines based on observed conduct, prior information, or other circumstances for determining when an officer may use the authority granted under paragraph (1).

''(b)(1) It shall be unlawful for the master, operator, or person in charge of a vessel of the United States or a vessel subject to the jurisdiction of the United States, to knowingly fail to obey an order to bring to that vessel on being ordered to do so by an authorized Federal law enforcement officer.

''(2) It shall be unlawful for any person on board a vessel of the United States or a vessel subject to the jurisdiction of the United States to—

''(A) forcibly assault, resist, oppose, prevent, impede, intimidate, or interfere with a boarding or other law enforcement action authorized by any Federal law, or to resist a lawful arrest; or

''(B) provide information to a Federal law enforcement officer during a boarding of a vessel regarding the vessel's destination, origin, ownership, registration, nationality, cargo, or crew, which that person knows is false.

''(c) This section does not limit in any way the preexisting authority of a customs officer under section 581 of the Tariff Act of 1930 or any other provision of law enforced or administered by the Customs Service, or the preexisting authority of any Federal law enforcement officer under any law of the United States to order an aircraft to land or a vessel to bring to.

''(d) A foreign nation may consent or waive objection to the enforcement of United States law by the United States under this section by radio, telephone, or similar oral or electronic means. Consent or waiver may be proven by certification of the Secretary of State or the Secretary's designee.

''(e) For purposes of this section—

''(1) A 'vessel of the United States' and a 'vessel subject to the jurisdiction of the United States' have the meaning set forth for these terms in the Maritime Drug Law Enforcement Act (46 App. U.S.C. 1903);

''(2) an aircraft 'subject to the jurisdiction of the United States' includes—

''(A) an aircraft located over the United States or the customs waters of the United States;

''(B) an aircraft located in the airspace of a foreign nation, where that nation consents to the enforcement of United States law by the United States; and

''(C) over the high seas, an aircraft without nationality, an aircraft of United States registry, or an aircraft registered in a foreign nation that has consented or waived objection to the enforcement of United States law by the United States;

''(3) an aircraft 'without nationality' includes—

''(A) an aircraft aboard which the pilot, operator, or person in charge makes a claim of registry, which claim is denied by the nation whose registry is claimed; and

''(B) an aircraft aboard which the pilot, operator, or person in charge fails, upon request of an officer of the United States empowered to enforce applicable provisions of United States law, to make a claim of registry for that aircraft.

''(4) the term 'bring to' means to cause a vessel to slow or come to a stop to facilitate a law enforcement boarding by adjusting the course and speed of the vessel to account for the weather conditions and sea state; and

''(5) the term 'Federal law enforcement officer' has the meaning set forth in section 115 of this title.

''(f) Any person who intentionally violates the provisions of this section shall be subject to—

''(1) imprisonment for not more than 1 year; and

''(2) a fine as provided in this title.

''(g) An aircraft that is used in violation of this section may be seized and forfeited. A vessel that is used in violation of subsection (b)(1) or subsection (b)(2)(A) may be seized and forfeited. The laws relating to the seizure, summary and judicial forfeiture, and condemnation of property for violation of the customs laws, the disposition of such property or the proceeds from the sale thereof, the remission or mitigation of such forfeitures, and the compromise of claims, shall apply to seizures and forfeitures undertaken, or alleged to have been undertaken, under any of the provisions of this section; except that such duties as are imposed upon the customs officer or any other person with respect to the seizure and forfeiture of property under the customs laws shall be performed with respect to seizures and forfeitures of property under this section by such officers, agents, or other persons as may be authorized or designated for that purpose. A vessel or aircraft that is used in violation of this section is also liable in rem for any fine or civil penalty imposed under this section.''.

(b) CLERICAL AMENDMENT.—The analysis at the beginning of chapter 109, title 18, United States Code, is amended by inserting the following new item after the item for section 2236:

''2237. Sanctions for failure to land or to bring to; sanctions for obstruction of boarding or providing false information.''.

SEC. 902. FAA SUMMARY REVOCATION AUTHORITY.

(a) Title 49, United States Code, is amended by adding after section 44106 the following new section:

''§ 44106a. Summary revocation of aircraft certificate

''(a) The registration of an aircraft shall be immediately revoked upon the knowing failure of the pilot, operator, or person in charge of the aircraft to follow the order of a Federal law enforcement officer to land an aircraft, as provided in section 2237 of title 18, United States Code. The Administrator shall as soon as possible notify the owner of the aircraft that the owner no longer holds United States registration for that aircraft.

''(b) The Administrator shall establish procedures for the owner of the aircraft to show cause—

''(1) why the registration was not revoked, as a matter of law, by operation of subsection (a); or

''(2) why circumstances existed pursuant to which the Administrator should determine that, notwithstanding subsection (a), it would be in the public interest to issue a new certificate of registration to the owner to be effective concurrent with the revocation occasioned by operation of subsection (a).''.

(b) The table of sections at the beginning of chapter 441 of title 49, United States Code, is amended by inserting after the item relating to section 44106 the following:

''44106a. Summary revocation of aircraft certificate.''.

(c) Title 49, United States Code, is amended by adding after section 44710 the following new section:

''§ 44710a. Failure to follow order to land aircraft

''(a) The Administrator shall issue an order revoking the airman certificate of any person if the Administrator finds that—

''(1) such person, while acting as the pilot, operator, or person in charge of an aircraft knowingly failed to follow the order of a Federal law enforcement officer to land the aircraft as provided in section 2237 of title 18, United States Code, and

''(2) such person knew that he had been ordered to land the aircraft.

''(b) If the Administrator determines that extenuating circumstances existed, such as safety of flight, which justified a deviation by the airman from the order to land, the provisions of subsection (a) of this section shall not apply.

''(c) The provisions of subsections (c) and (d) of section 44710 shall apply to any revocation of the airman certificate of any person for failing to follow the order of a Federal law enforcement officer to land an aircraft.''.

(d) The table of sections at the beginning of chapter 447 of title 49, United States Code, is amended by inserting after the item relating to section 44710 the following:

''44710a. Failure to follow order to land aircraft.''.

SEC. 903. COAST GUARD AIR INTERDICTION AUTHORITY.

(a) IN GENERAL.—Chapter 5 of title 14, United States Code, is amended by adding at the end the following new section:

''§ 96. Air interdiction authority

''The Coast Guard may issue orders and make inquiries, searches, seizures, and arrests with respect to violations of laws of the United States occurring aboard any aircraft subject to the jurisdiction of the United States in accordance with section 2237 of title 18, United States Code. Any order issued under this section to land an aircraft shall be communicated pursuant to regulations promulgated pursuant to section 2237 of title 18, United States Code.''.

(b) CLERICAL AMENDMENT.—The analysis at the beginning of chapter 5 of title 14, United States Code, is amended by adding at the end the following new item:

''96. Air interdiction authority.''.

SEC. 904. COAST GUARD CIVIL PENALTY PROVISIONS.

(a) IN GENERAL.—Chapter 17 of title 14, United States Code, is amended by adding at the end the following new section:

''§ 673. Civil penalty for failure to comply with a lawful boarding, order to land, obstruction of boarding, or providing false information

''(a) The master, operator, or person in charge of a vessel, or the pilot, operator, or person in charge of an aircraft who knowingly fails to comply with an order of a Coast Guard commissioned officer, warrant officer, or petty officer under the authority of section 2237 of title 18, United States Code, or section 96 of this title, and communicated according to regulations promulgated under section 2237 of title 18, United States Code, or, in the case of a vessel, according to any applicable, internationally recognized standards, or other manner reasonably calculated to be received and understood, shall be liable for a civil penalty of not more than $15,000.

''(b) A vessel or aircraft used to knowingly violate an order relating to the boarding of a vessel or landing of an aircraft issued under the authority of section 2237 of title 18, United States Code, or Section 96 of this Title, is also liable in rem and may be seized, forfeited, and sold in accordance with Customs law, specifically section 1594 of Title 19, United States Code.''.

(b) CLERICAL AMENDMENT.—The analysis at the beginning of chapter 17 of title 14, United States Code, is amended by adding at the end the following new item:

''673. Civil penalty for failure to comply with a lawful boarding, order to land, obstruction of boarding, or providing false information.''.

SEC. 905. CUSTOMS ORDERS.

Section 581 of the Tariff Act of 1930 (19 U.S.C. 1581) is amended by adding at the end the following new subsection:

''(i) As used in this section, the term 'authorized place' includes —

''(1) with respect to a vehicle, a location in a foreign country at which United States customs officers are permitted to conduct inspections, examinations, or searches; and

''(2) with respect to aircraft to which this section applies by virtue of section 644 of this Act (19 U.S.C. 1644), or regulations issued thereunder, or section 2237 of title 18, United States Code, any location outside of the United States, including a foreign country at which United States customs officers are permitted to conduct inspections, examinations, or searches.''.

SEC. 906. CUSTOMS CIVIL PENALTY PROVISIONS.

Part V of title IV of the Tariff Act of 1930 (19 U.S.C. 1581 et seq.) is amended by adding a new section 591 (19 U.S.C. 1591) as follows:

''SEC. 591. CIVIL PENALTY FOR FAILURE TO OBEY AN ORDER TO LAND.

''(a) The pilot, operator, or person in charge of an aircraft who knowingly fails to comply with an order of an authorized Federal law enforcement officer relating to the landing of an aircraft issued under the authority of section 581 of this Act, or section 2237 of title 18, United States Code, and communicated according to regulations promulgated under section 2237 of title 18, United States Code, shall be liable for a civil penalty of not more than $15,000.

''(b) An aircraft used to knowingly violate an order relating to the landing of an aircraft issued under the authority of section 581 of this Act, or section 2237 of title 18, United States Code, is also liable in rem and may be seized, forfeited, and sold in accordance with Customs law, specifically section 1594 of Title 19, United States Code.''.

TITLE X—CONVEYANCES

SEC. 1001. CONVEYANCE OF PROPERTY IN MASSACHUSETTS.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Secretary shall convey, by an appropriate means of conveyance, all right, title, and interest of the United States in and to the properties described in paragraph (3) to the persons to whom each such property is to be conveyed under that paragraph.

(2) IDENTIFICATION OF PROPERTY.—The Secretary may identify, describe, and determine each property to be conveyed pursuant to this subsection.

(3) PROPERTIES CONVEYED.—

(A) CAPE ANN LIGHTHOUSE.—The Secretary shall convey to the town of Rockport, Massachusetts, by an appropriate means of conveyance, all right, title, and interest of the United States in and to the property comprising the Cape Ann Lighthouse, located on Thacher Island, Massachusetts.

(B) COAST GUARD PROPERTY IN GOSNOLD, MASSACHUSETTS.—The Secretary may convey to the town of Gosnold, Massachusetts, without reimbursement and by no later than 120 days after the date of enactment of this Act, all right, title, and interest of the United States in and to the property known as the ''United States Coast Guard Cuttyhunk Boathouse and Wharf'' located in the town of Gosnold, Massachusetts.

(b) TERMS OF CONVEYANCE.—

(1) IN GENERAL.—The conveyance of property pursuant to this section shall be made—

(A) without payment of consideration; and

(B) subject to the conditions required by paragraphs (3), (4), and (5) and other terms and conditions the Secretary may consider appropriate.

(2) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to paragraph (1), the conveyance of property pursuant to this section shall be subject to the condition that all right, title, and interest in the property conveyed shall immediately revert to the United States if the property, or any part of the property

(A) ceases to be maintained in a manner that ensures its present or future use as a Coast Guard aid to navigation; or

(B) ceases to be maintained in a manner consistent with the provisions of the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.).

(3) MAINTENANCE OF NAVIGATION FUNCTIONS.—The conveyance of property pursuant to this section shall be made subject to the conditions that the Secretary considers to be necessary to assure that—

(A) the lights, antennas, and associated equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States;

(B) the person to which the property is conveyed may not interfere or allow interference in any manner with aids to navigation without express written permission from the Secretary;

(C) there is reserved to the United States the right to relocate, replace, or add any aid to navigation or make any changes to the property conveyed as may be necessary for navigational purposes;

(D) the United States shall have the right, at any time, to enter the property without notice for the purpose of maintaining aids to navigation; and

(E) the United States shall have an easement of access to the property for the purpose of maintaining the aids to navigation in use on the property.

(4) OBLIGATION LIMITATION.—The person to which the property is conveyed is not required to maintain any active aid to navigation equipment on property conveyed pursuant to this section.

(5) MAINTENANCE OF PROPERTY.—The person to which the property is conveyed shall maintain the property in accordance with the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), and other applicable laws.

(c) DEFINITIONS.—For purposes of this section—

(1) the term ''Cape Ann Lighthouse'' means the Coast Guard property located on Thacher Island, Massachusetts, except any historical artifact, including any lens or lantern, located on the property at or before the time of the conveyance;

(2) the term ''United States Coast Guard Cuttyhunk Boathouse and Wharf'' means real property located in the town of Gosnold, Massachusetts (including all buildings, structures, equipment, and other improvements), as determined by the Secretary of Transportation; and

(3) the term ''Secretary'' means the Secretary of Transportation.

SEC. 1002. CONVEYANCE OF CERTAIN LIGHTHOUSES LOCATED IN MAINE.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Secretary of Transportation (in this section referred to as the ''Secretary'') may convey to the Island Institute, Rockland, Maine, (in this section referred to as the ''Institute''), by an appropriate means of conveyance, all right, title, and interest of the United States in and to any of the facilities and real property and improvements described in paragraph (2).

(2) IDENTIFICATION OF PROPERTIES.—Paragraph (1) applies to lighthouses, together with any real property and other improvements associated therewith, located in the State of Maine as follows:

(A) Whitehead Island Light.

(B) Deer Island Thorofare (Mark Island) Light.

(C) Burnt Island Light.

(D) Rockland Harbor Breakwater Light.

(E) Monhegan Island Light.

(F) Eagle Island Light.
(G) Curtis Island Light.
(H) Moose Peak Light.
(I) Great Duck Island Light.
(J) Goose Rocks Light.
(K) Isle au Haut Light.
(L) Goat Island Light.
(M) Wood Island Light.
(N) Doubling Point Light.
(O) Doubling Point Front Range Light.
(P) Doubling Point Rear Range Light.
(Q) Little River Light.
(R) Spring Point Ledge Light.
(S) Ram Island Light (Boothbay).
(T) Seguin Island Light.
(U) Marshall Point Light.
(V) Fort Point Light.
(W) West Quoddy Head Light.
(X) Brown's Head Light.
(Y) Cape Neddick Light.
(Z) Halfway Rock Light.
(AA) Ram Island Ledge Light.
(BB) Mount Desert Rock Light.
(CC) Whitlock's Mill Light.
(DD) Nash Island Light.
(EE) Manana Island Fog Signal Station.

(3) DEADLINE FOR CONVEYANCE.—The conveyances authorized by this subsection shall take place not later than 5 years after the date of the enactment of this Act.

(4) ADDITIONAL CONVEYANCES TO UNITED STATES FISH AND WILDLIFE SERVICE.—The Secretary may transfer, in accordance with the terms and conditions of subsection (b), the following lighthouses, together with any real property and improvements associated therewith, directly to the United States Fish and Wildlife Service:

(A) Two Bush Island Light.
(B) Egg Rock Light.
(C) Libby Island Light.
(D) Matinicus Rock Light.

(b) TERMS OF CONVEYANCE.—

(1) IN GENERAL.—The conveyance of property pursuant to this section shall be made—

(A) without payment of consideration; and

(B) subject to the conditions required by paragraphs (2) and (3) and other terms and conditions the Secretary may consider appropriate.

(2) MAINTENANCE OF NAVIGATION FUNCTION.—The conveyance of property pursuant to this section shall be made subject to the conditions that the Secretary considers necessary to assure that—

(A) the lights, antennas, and associated equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States;

(B) the Institute, the United States Fish and Wildlife Service, and an entity to which property is conveyed under this section may not interfere or allow interference in any manner with aids to navigation without express written permission from the Secretary;

(C) there is reserved to the United States the right to relocate, replace, or add any aid to navigation or make any changes to property conveyed under this section as may be necessary for navigational purposes;

(D) the United States shall have the right, at any time, to enter property conveyed under this section without notice for the purpose of maintaining aids to navigation; and

(E) the United States shall have an easement of access to property conveyed under this section for the purpose of maintaining the aids to navigation in use on the property.

(3) OBLIGATION LIMITATION.—The Institute, or any entity to which the Institute conveys a lighthouse under subsection (d), is not required to maintain any active aid to navigation equipment on a property conveyed under this section.

(4) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to paragraph (1), the conveyance of property pursuant to this section shall be subject to the condition that all right, title, and interest in such property shall immediately revert to the United States if—

(A) such property or any part of such property ceases to be used for educational, historic, recreational, cultural, and wildlife conservation programs for the general public and for such other uses as the Secretary determines to be not inconsistent or incompatible with such uses;

(B) such property or any part of such property ceases to be maintained in a manner that ensures its present or future use as a Coast Guard aid to navigation;

(C) such property or any part of such property ceases to be maintained in a manner consistent with the provisions of the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.); or

(D) the Secretary determines that—

(i) the Institute is unable to identify an entity eligible for the conveyance of the lighthouse under subsection (d) within the 3-year period beginning on the date of the conveyance of the lighthouse to the Institute under subsection (a); or

(ii) in the event that the Institute identifies an entity eligible for the conveyance within that period—

(I) the entity is unable or unwilling to accept the conveyance and the Institute is unable to identify another entity eligible for the conveyance within that period; or

(II) the Maine Lighthouse Selection Committee established under subsection (d)(3)(A) disapproves of the entity identified by the Institute and the Institute is unable to identify another entity eligible for the conveyance within that period.

(c) INSPECTION.—The State Historic Preservation Officer of the State of Maine may inspect any lighthouse, and any real property and improvements associated therewith, that is conveyed under this section at any time, without notice, for purposes of ensuring that the lighthouse is being maintained in the manner required under subsection (b). The Institute, and any subsequent conveyee of the Institute under subsection (d), shall cooperate with the official referred to in the preceding sentence in the inspections of that official under this subsection.

(d) SUBSEQUENT CONVEYANCE.—

(1) REQUIREMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Institute shall convey, without consideration, all right, title, and interest of the Institute in and to the lighthouses conveyed to the Institute under subsection (a), together with any real property and improvements associated therewith, to one or more entities identified under paragraph (2) and approved by the committee established under paragraph (3) in accordance with the provisions of such paragraph (3).

(B) EXCEPTION.—The Institute, with the concurrence of the Maine Lighthouse Selection Committee and in accordance with the terms and conditions of subsection (b), may retain right, title, and interest in and to the following lighthouses conveyed to the Institute:

(i) Whitehead Island Light.

(ii) Deer Island Thorofare (Mark Island) Light.

(2) IDENTIFICATION OF ELIGIBLE ENTITIES.—

(A) IN GENERAL.—Subject to subparagraph (B), the Institute shall identify entities eligible for the conveyance of a lighthouse under this subsection. Such entities shall include any department or agency of the Federal Government, any department or agency of the Government of the State of Maine, any local government in that State, or any nonprofit corporation, educational agency, or community development organization that—

(i) is financially able to maintain the lighthouse (and any real property and improvements conveyed therewith) in accordance with the conditions set forth in subsection (b);

(ii) has agreed to permit the inspections referred to in subsection (c); and

(iii) has agreed to comply with the conditions set forth in subsection (b); and to have such conditions recorded with the deed of title to the lighthouse and any real property and improvements that may be conveyed therewith.

(B) ORDER OF PRIORITY.—In identifying entities eligible for the conveyance of a lighthouse under this paragraph, the Institute shall give priority to entities in the following order, which are also the exclusive entities eligible for the conveyance of a lighthouse under this section:

(i) Agencies of the Federal Government.

(ii) Entities of the Government of the State of Maine.

(iii) Entities of local governments in the State of Maine.

(iv) Nonprofit corporations, educational agencies, and community development organizations.

(3) SELECTION OF CONVEYEES AMONG ELIGIBLE ENTITIES.—

(A) COMMITTEE.—

(i) IN GENERAL.—There is hereby established a committee to be known as the Maine Lighthouse Selection Committee (in this paragraph referred to as the ''Committee'').

(ii) MEMBERSHIP.—The Committee shall consist of five members appointed by the Secretary as follows:

(I) One member, who shall serve as the Chairman of the Committee, shall be appointed from among individuals recommended by the Governor of the State of Maine.

(II) One member shall be the State Historic Preservation Officer of the State of Maine, with the consent of that official, or a designee of that official.

(III) One member shall be appointed from among individuals recommended by State and local organizations in the State of Maine that are concerned with lighthouse preservation or maritime heritage matters.

(IV) One member shall be appointed from among individuals recommended by officials of local governments of the municipalities in which the lighthouses are located.

(V) One member shall be appointed from among individuals recommended by the Secretary of the Interior.

(iii) APPOINTMENT DEADLINE.—The Secretary shall appoint the members of the Committee not later than 90 days after the date of the enactment of this Act.

(iv) MEMBERSHIP TERM.—

(I) Members of the Committee shall serve for such terms not longer than 3 years as the Secretary shall provide. The Secretary may stagger the terms of initial members of the Committee in order to ensure continuous activity by the Committee.

(II) Any member of the Committee may serve after the expiration of the term of the member until a successor to the member is appointed. A vacancy in the Committee shall be filled in the same manner in which the original appointment was made.

(v) VOTING.—The Committee shall act by an affirmative vote of a majority of the members of the Committee.

(B) RESPONSIBILITIES.—

(i) IN GENERAL.—The Committee shall—

(I) review the entities identified by the Institute under paragraph (2) as entities eligible for the conveyance of a lighthouse; and

(II) approve one such entity, or disapprove all such entities, as entities to which the Institute may make the conveyance of the lighthouse under this subsection.

(ii) APPROVAL.—If the Committee approves an entity for the conveyance of a lighthouse, the Committee shall notify the Institute of such approval.

(iii) DISAPPROVAL.—If the Committee disapproves of the entities, the Committee shall notify the Institute and, subject to subsection (b)(4)(D)(ii), the Institute shall identify other entities eligible for the conveyance of the lighthouse under paragraph (2). The Committee shall review and approve or disapprove entities identified pursuant to the preceding sentence in accordance with this subparagraph and the criteria set forth in subsection (b).

(C) EXEMPTION FROM FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Committee, however, all meetings of the Committee shall be open to the public and preceded by appropriate public notice.

(D) TERMINATION.—The Committee shall terminate 8 years from the date of the enactment of this Act.

(4) CONVEYANCE.—Upon notification under paragraph (3)(B)(ii) of the approval of an identified entity for conveyance of a lighthouse under this subsection, the Institute shall, with the consent of the entity, convey the lighthouse to the entity.

(5) RESPONSIBILITIES OF CONVEYEES.—Each entity to which the Institute conveys a lighthouse under this subsection, or any successor or assign of such entity in perpetuity, shall—

(A) use and maintain the lighthouse in accordance with subsection (b) and have such terms and conditions recorded with the deed of title to the lighthouse and any real property conveyed therewith; and

(B) permit the inspections referred to in subsection (c).

(e) DESCRIPTION OF PROPERTY.—The legal description of any lighthouse, and any real property and improvements associated therewith, conveyed under subsection (a) shall be determined by the Secretary. The Secretary shall retain all right, title, and interest of the United States in and to any historical artifact, including any lens or lantern, that is associated with the lighthouses conveyed under this subsection, whether located at the lighthouse or elsewhere. The Secretary shall identify any equipment, system, or object covered by this paragraph.

(f) REPORT.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter for the next 7 years, the Secretary shall submit to Congress a report on the conveyance of lighthouses under this section. The report shall include a description of the implementation of the provisions of this section, and the requirements arising under such provisions, in—

(1) providing for the use and maintenance of the lighthouses conveyed under this section in accordance with subsection (b);

(2) providing for public access to such lighthouses; and

(3) achieving the conveyance of lighthouses to appropriate entities under subsection (d).

SEC. 1003. CONVEYANCE OF SQUIRREL POINT LIGHT.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Secretary of Transportation (in this section referred to as the ''Secretary'') shall convey to Squirrel Point Associates, Incorporated, by an appropriate means of conveyance, all right, title, and interest of the United States in and to the property comprising the Squirrel Point Light, located in the town of Arrowsic, Maine.

(2) IDENTIFICATION OF PROPERTY.—The Secretary may identify, describe, and determine the property to be conveyed pursuant to this subsection.

(b) TERMS OF CONVEYANCE.—

(1) IN GENERAL.—The conveyance of property pursuant to this section shall be made—

(A) without payment of consideration; and

(B) subject to the conditions required by paragraphs (3) and (4) and other terms and conditions the Secretary may consider appropriate.

(2) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to paragraph (1), the conveyance of property pursuant to this section shall be subject to the condition that all right, title, and interest in the Squirrel Point Light shall immediately revert to the United States if the Squirrel Point Light, or any part of the property—

(A) ceases to be used as a nonprofit center for the interpretation and preservation of maritime history;

(B) ceases to be maintained in a manner that ensures its present or future use as a Coast Guard aid to navigation; or

(C) ceases to be maintained in a manner consistent with the provisions of the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.).

(3) MAINTENANCE OF NAVIGATION FUNCTION.—The conveyance of property pursuant to this section shall be made subject to the conditions that the Secretary considers to be necessary to assure that—

(A) the lights, antennas, and associated equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States;

(B) Squirrel Point Associates, Incorporated, or any successor or assign, may not interfere or allow interference in any manner with aids to navigation without express written permission from the Secretary;

(C) there is reserved to the United States the right to relocate, replace, or add any aid to navigation or make any changes to the Squirrel Point Light as may be necessary for navigational purposes;

(D) the United States shall have the right, at any time, to enter the property without notice for the purpose of maintaining aids to navigation; and

(E) the United States shall have an easement of access to the property for the purpose of maintaining the aids to navigation in use on the property.

(4) OBLIGATION LIMITATION.—The Squirrel Point Associates, Incorporated, or any successor or assign, is not required to maintain any active aid to navigation equipment on property conveyed pursuant to this section.

(5) MAINTENANCE OF PROPERTY.—The Squirrel Point Associates, Incorporated, or any successor or assign, shall maintain the Squirrel Point Light in accordance with the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), and other applicable laws.

(c) DEFINITIONS.—For purposes of this section, the term ''Squirrel Point Light'' means the Coast Guard light station located in the town of Arrowsic, Sagadahoc County, Maine—

(1) including the light tower, dwelling, boat house, oil house, barn, any other ancillary buildings and such land as may be necessary to enable Squirrel Point Associates, Incorporated, or any successor or assign, to operate a non-profit center for public benefit; and

(2) except any historical artifact, including any lens or lantern, located on the property at or before the time of the conveyance.

SEC. 1004. CONVEYANCE OF MONTAUK LIGHT STATION, NEW YORK.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Secretary of Transportation (in this section referred to as the ''Secretary'') shall convey to the Montauk Historical Association in Montauk, New York, by an appropriate means of conveyance, all right, title, and interest of the United States in and to property comprising Montauk Light Station, located at Montauk, New York.

(2) IDENTIFICATION OF PROPERTY.—The Secretary may identify, describe, and determine the property to be conveyed pursuant to this section.

(b) TERMS OF CONVEYANCE.—

(1) IN GENERAL.—A conveyance of property pursuant to this section shall be made—

(A) without the payment of consideration; and

(B) subject to the conditions required by paragraphs (3) and (4) and such other terms and conditions as the Secretary may consider appropriate.

(2) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to paragraph (1), any conveyance of property comprising the Montauk Light Station pursuant to subsection (a) shall be subject to the condition that all right, title, and interest in and to the property so conveyed shall immediately revert to the United States if the property, or any part thereof—

(A) ceases to be maintained as a nonprofit center for public benefit for the interpretation and preservation of the material culture of the United States Coast Guard, the maritime history of Montauk, New York, and Native American and colonial history;

(B) ceases to be maintained in a manner that ensures its present or future use as a Coast Guard aid to navigation; or

(C) ceases to be maintained in a manner consistent with the provisions of the National Historic Preservation Act (16 U.S.C. 470 et seq.).

(3) MAINTENANCE OF NAVIGATION FUNCTIONS.—Any conveyance of property pursuant to this section shall be subject to such conditions as the Secretary considers to be necessary to assure that—

(A) the light, antennas, sound signal, electronic navigation equipment, and associated lighthouse equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States for as long as they are needed for this purpose;

(B) the Montauk Historical Association, or any successor or assign, may not interfere or allow interference in any manner with such aids to navigation without express written permission from the United States;

(C) there is reserved to the United States the right to replace, or add any aids to navigation, or make any changes to the Montauk Light Station as may be necessary for navigation purposes;

(D) the United States shall have the right, at any time, to enter the property conveyed without notice for the purpose of maintaining navigation aids;

(E) the United States shall have an easement of access to such property for the purpose of maintaining the navigational aids in use on the property; and

(F) the Montauk Light Station shall revert to the United States at the end of the 30-day period beginning on any date on which the Secretary of Transportation provides written notice to the Montauk Historical Association, or any successor or assign, that the Montauk Light Station is needed for national security purposes.

(4) MAINTENANCE OF PROPERTY.—Any conveyance of property under this section shall be subject to the condition that the Montauk

Historical Association, or any successor or assign, shall maintain the Montauk Light Station in accordance with the provisions of the National Historic Preservation Act (16 U.S.C. 470 et seq.) and other applicable laws.

(5) OBLIGATION LIMITATION.—The Montauk Historical Association, or any successor or assign, shall not have any obligation to maintain any active aid to navigation equipment on property conveyed pursuant to this section.

(c) MONTAUK LIGHT STATION DEFINED.—For purposes of this section, the term ''Montauk Light Station'' means the Coast Guard light station known as Light Station Montauk Point, located at Montauk, New York, including the lighthouse, the keeper's dwellings, adjacent Coast Guard rights of way, the World War II submarine spotting tower, the lighthouse tower, and the paint locker, except any historical artifact, including any lens or lantern, located on the property at or before the time of conveyance.

SEC. 1005. CONVEYANCE OF POINT ARENA LIGHT STATION.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—At such time as the Secretary of Transportation (referred to in this section as the ''Secretary'') determines the Point Arena Light Station to be excess to the needs of the Coast Guard, the Secretary shall convey to the Point Arena Lighthouse Keepers, Inc., by an appropriate means of conveyance, all right, title, and interest of the United States in and to The Point Arena Lighthouse, located in Mendocino County, California, except that the Coast Guard shall retain all right, title, and interest in any historical artifact, including any lens or lantern, on the property conveyed pursuant to this section, or belonging to the property, whether located on the property or elsewhere, except that such lens must be retained within the boundary of the State of California.

(2) IDENTIFICATION OF PROPERTY.—The Secretary may identify, describe, and determine the property to be conveyed pursuant to this section.

(b) TERMS OF CONVEYANCE.—

(1) IN GENERAL.—A conveyance of property pursuant to this section shall be made—

(A) without the payment of consideration; and

(B) subject to such terms and conditions as the Secretary may consider appropriate.

(2) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to paragraph (1), any conveyance of property comprising the Point Arena Light Station pursuant to subsection (a) shall be subject to the condition that all right, title, and interest in and to the property so conveyed shall immediately revert to the United States if the property, or any part thereof ceases to be maintained as a nonprofit center for public benefit for the interpretation and preservation of the maritime history of Point Arena, California.

(3) MAINTENANCE OF NAVIGATION FUNCTIONS.—Any conveyance of property pursuant to this section shall be subject to such conditions as the Secretary considers to be necessary to assure that—

(A) the light, antennas, sound signal, and associated lighthouse equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States for as long as they are needed for this purpose;

(B) the Point Arena Lighthouse Keepers, Inc., or any successors or assigns, may not interfere or allow interference in any manner with such aids to navigation without express written permission from the United States;

(C) there is reserved to the United States the right to relocate, replace, or add any aids to navigation, or make any changes to the Point Arena Light Station as may be necessary for navigation purposes;

(D) the United States shall have the right, at any time, to enter the property conveyed without notice for the purpose of maintaining navigation aids;

(E) the United States shall have an easement of access to such property for the purpose of maintaining the navigational aids in use on the property; and

(F) the Point Arena Light Station shall revert to the United States at the end of the 30-day period beginning on any date on which the Secretary of Transportation provides written notice to the Point Arena Lighthouse Keepers, Inc., or any successor or assign, that the Point Arena Light Station is needed for national security purposes.

(4) MAINTENANCE OF PROPERTY.—Any conveyance of property under this section shall be subject to the condition that the Point Arena Lighthouse Keepers, Inc., or any successor or assign, shall maintain the Point Arena Light Station in accordance with the provisions of the National Historic Preservation Act (16 U.S.C. 470 et seq.) and other applicable laws.

(5) OBLIGATION LIMITATION.—The Point Arena Lighthouse Keepers, Inc., or any successors or assigns, shall not have any obligation to maintain any active aid to navigation equipment on property conveyed pursuant to this section.

(c) MAINTENANCE STANDARD.—The Point Arena Lighthouse Keepers, Inc., or any successor or assign, at its own cost and expense, shall maintain, in a proper, substantial and workmanlike manner, all properties conveyed.

(d) POINT ARENA LIGHT STATION DEFINED.—For purposes of this section, the term ''Point Arena Light Station'' means the Coast Guard property and improvements located at Point Arena, California, including the light tower building, fog signal building, 2 small shelters, 4 residential quarters, and a restroom facility.

SEC. 1006. CONVEYANCE OF PROPERTY IN KETCHIKAN, ALASKA.

(a) AUTHORITY TO CONVEY.—The Secretary of Transportation (referred to in this section as the ''Secretary''), in cooperation with the Administrator of the General Services Administration, shall convey to the Ketchikan Indian Corporation in Ketchikan, Alaska, without reimbursement and by no later than 120 days after the date of enactment of this Act, all right, title, and interest of the United States in and to the property known as the ''Former Marine Safety Detachment'' as identified in Report of Excess Number CG–689 (GSA Control Number 9–U–AK–0747) and described in subsection (b), for use as a health or social services facility.

(b) IDENTIFICATION OF PROPERTY.—The Secretary shall identify, describe, and determine the property to be conveyed pursuant to this section.

(c) REVERSIONARY INTEREST.—The conveyance of property described in subsection (b) shall be subject to the condition that such property, and all right, title and interest in such property, shall transfer to the City of Ketchikan if, within 18 months of the date of enactment of this Act, the Ketchikan Indian Corporation has not completed design and construction plans for a health and social services facility and received approval from the City of Ketchikan for such plans or the written consent of the City to exceed this period.

(d) In the event that the property described in subsection (b) is transferred to the City of Ketchikan under subsection (c), the transfer shall be subject to the condition that all right, title, and interest in and to the property shall immediately revert to the United States if the property ceases to be used by the City of Ketchikan.

SEC. 1007. CONVEYANCE OF PROPERTY IN TRAVERSE CITY, MICHIGAN.

(a) AUTHORITY TO CONVEY.—The Secretary of Transportation (or any other official having control over the property described in subsection (b)) shall expeditiously convey to the Traverse City Area Public School District in Traverse City, Michigan, without consideration, all right, title, and interest of the United States in and to the property described in subsection (b), subject to all easements and other interests in the property held by any other person.

(b) IDENTIFICATION OF PROPERTY.—The Secretary shall identify, describe, and determine the property to be conveyed pursuant to this section.

(c) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to subsection (a) or (d), any conveyance of property described in subsection (b) shall be subject to the condition that all right, title, and interest in and to the property so conveyed shall immediately revert to the United States if the property, or any part thereof, ceases to be used by the Traverse City Area Public School District.

(d) TERMS OF CONVEYANCE.—The conveyance of property under this section shall be subject to such conditions as the Secretary considers to be necessary to assure that—

(1) the pump room located on the property shall continue to be operated and maintained by the United States for as long as it is needed for this purpose;

(2) the United States shall have an easement of access to the property for the purpose of operating and maintaining the pump room; and

(3) the United States shall have the right, at any time, to enter the property without notice for the purpose of operating and maintaining the pump room.

SEC. 1008. TRANSFER OF COAST GUARD PROPERTY IN NEW SHOREHAM, RHODE ISLAND.

(a) REQUIREMENT.—The Secretary of Transportation (or any other official having control over the property described in subsection (b)) may convey to the town of New Shoreham, Rhode Island, without consideration, all right, title, and interest of the United States in and to the property known as the United States Coast Guard Station Block Island, as described in subsection (b), subject to all easements and other interest in the property held by any other person.

(b) PROPERTY DESCRIBED.—The property referred to in subsection (a) is real property (including buildings and improvements) located on the west side of Block Island, Rhode Island, at the entrance to the Great Salt Pond and referred to in the books of the Tax Assessor of the town of New Shoreham, Rhode Island, as lots 10 and 12, comprising approximately 10.7 acres.

(c) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to subsection (a), any conveyance of property under subsection (a) shall be subject to the condition that all right, title, and interest in and to the property so conveyed shall immediately revert to the United States if the property, or any part thereof, ceases to be used by the town of New Shoreham, Rhode Island.

SEC. 1009. CONVEYANCE OF PROPERTY IN SANTA CRUZ, CALIFORNIA.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Secretary of Transportation (referred to in this section as the ''Secretary'') may convey to the Santa Cruz Port District by an appropriate means of conveyance, all right, title, and interest of the United States in and to the property described in paragraph (2).

(2) IDENTIFICATION OF PROPERTY.—The Secretary may identify, describe, and determine the property to be conveyed pursuant to this section.

(b) CONSIDERATION.—Any conveyance of property pursuant to this section shall be made without payment of consideration.

(c) CONDITION.—The conveyance provided for in subsection (a) may be made contingent upon agreement by the Port District that—

(1) the utility systems, building spaces, and facilities or any alternate, suitable facilities and buildings on the harbor premises would be available for joint use by the Port District and the Coast Guard when deemed necessary by the Coast Guard; and

(2) the Port District would be responsible for paying the cost of maintaining, operating, and replacing (as necessary) the utility systems and any buildings and facilities located on the property as described in subsection (a) or on any alternate, suitable property on the harbor premises set aside for use by the Coast Guard.

(d) REVERSIONARY INTEREST.—Any conveyance of property pursuant to this section shall be subject to the condition that all right, title, and interest in Subunit Santa Cruz shall immediately revert to the United States—

(1) if Subunit Santa Cruz ceases to be maintained as a nonprofit center for education, training, administration, and other public service to include use by the Coast Guard; or

(2) at the end of the thirty day period beginning on any date on which the Secretary provides written notice to the Santa Cruz Port District that Subunit Santa Cruz is needed for national security purposes.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

(f) DEFINITIONS.—For purposes of this section—

(1) ''Subunit Santa Cruz'' means the Coast Guard property and improvements located at Santa Cruz, California;

(2) ''Secretary'' means the Secretary of the department in which the Coast Guard is operating; and

(3) ''Port District'' means the Santa Cruz Port District, or any successor or assign.

SEC. 1010. CONVEYANCE OF VESSEL S/S RED OAK VICTORY.

(a) IN GENERAL.—Notwithstanding any other law, the Secretary of Transportation (referred to in this section as the ''Secretary'') may convey the right, title, and interest of the United States Government in and to the vessel S/S RED OAK VICTORY (Victory Ship VCS–AP2; United States Navy Hull No. AK235) to the City of Richmond Museum Association, Inc., located in Richmond, California (in this section referred to as ''the recipient''), if—

(1) the recipient agrees to use the vessel for the purposes of a monument to the wartime accomplishments of the City of Richmond;

(2) the vessel is not used for commercial transportation purposes;

(3) the recipient agrees to make the vessel available to the Government if the Secretary requires use of the vessel by the Government for war or a national emergency;

(4) the recipient agrees to hold the Government harmless for any claims arising from exposure to asbestos after conveyance of the vessel, except for claims arising from use by the Government under paragraph (3); and

(5) the recipient has available, for use to restore the vessel, in the form of cash, liquid assets, or a written loan commitment, financial resources of at least $100,000.

(b) DELIVERY OF VESSEL.—If a conveyance is made under this section, the Secretary shall deliver the vessel at the place where the vessel is located on the date of enactment of this Act, in its present condition, without cost to the Government.

(c) OTHER UNNEEDED EQUIPMENT.—The Secretary may convey to the recipient any unneeded equipment from other vessels in the National Defense Reserve Fleet for use to restore the S/S RED OAK VICTORY to museum quality.

(d) RETENTION OF VESSEL IN NDRF.—The Secretary shall retain in the National Defense Reserve Fleet the vessel authorized to be conveyed under subsection (a), until the earlier of—

(1) 2 years after the date of the enactment of this Act; or

(2) the date of conveyance of the vessel under subsection (a).

SEC. 1011. CONVEYANCE OF EQUIPMENT.

The Secretary of Transportation may convey any unneeded equipment from other vessels in the National Defense Reserve Fleet to the JOHN W. BROWN and other qualified United States memorial ships in order to maintain their operating condition.

SEC. 1012. PROPERTY EXCHANGE.

(a) PROPERTY ACQUISITION.—The Secretary may, by means of an exchange of property, acceptance as a gift, or other means that does not require the use of appropriated funds, acquire all right, title, and interest in and to a parcel or parcels of real property and any improvements thereto located within the limits of the City and Borough of Juneau, Alaska.

(b) ACQUISITION THROUGH EXCHANGE.—For the purposes of acquiring property under subsection (a) by means of an exchange, the Secretary may convey all right, title, and interest of the United States in and to a parcel or parcels of real property and any improvements thereto located within the limits of the City and Borough of Juneau, Alaska and in the control of the Coast Guard if the Secretary determines that the exchange is in the best interest of the Coast Guard.

(c) TERMS AND CONDITIONS.—The Secretary may require such terms and conditions under this section as the Secretary considers appropriate to protect the interests of the United States.

TITLE XI—MISCELLANEOUS

SEC. 1101. FLORIDA AVENUE BRIDGE.

For purposes of the alteration of the Florida Avenue Bridge (located approximately 1.63 miles east of the Mississippi River on the Gulf Intracoastal Waterway in Orleans Parish, Louisiana) ordered by the Secretary of Transportation under the Act of June 21, 1940 (33 U.S.C. 511 et seq.), the Secretary shall treat the drainage siphon that is adjacent to the bridge as an appurtenance of the bridge, including with respect to apportionment and payment of costs for the removal of the drainage siphon in accordance with that Act.

SEC. 1102. OIL SPILL RECOVERY INSTITUTE.

(a) ADVISORY BOARD AND EXECUTIVE COMMITTEE.—Section 5001 of the Oil Pollution Act of 1990 (33 U.S.C. 2731) is amended—

(1) by striking ''to be administered by the Secretary of Commerce'' in subsection (a);

(2) by striking ''and located'' in subsection (a) and inserting ''located'';

(3) by striking ''the EXXON VALDEZ oil spill'' each place it appears in subsection (b)(2) and inserting ''Arctic or Subarctic oil spills'';

(4) by striking ''18'' in subsection (c)(1) and inserting ''16'';

(5) by striking '', Natural Resources, and Commerce and Economic Development'' in subsection (c)(2)(A) and inserting a comma and ''and Natural Resources'';

(6) by striking subsection (c)(1) (B), (C), and (D);

(7) by redesignating subparagraphs (E) and (F) of subsection (c)(1) as subparagraphs (G) and (H), respectively;

(8) by inserting after subparagraph (A) of subsection (c)(1) the following:

''(B) One representative appointed by each of the Secretaries of Commerce, the Interior, and Transportation, who shall be Federal employees.

''(C) Two representatives from the fishing industry appointed by the Governor of the State of Alaska from among residents of communities in Alaska that were affected by the EXXON VALDEZ oil spill, who shall serve terms of 2 years each. Interested organizations from within the fishing industry may submit the names of qualified individuals for consideration by the Governor.

''(D) Two Alaska Natives who represent Native entities affected by the EXXON VALDEZ oil spill, at least one of whom represents an entity located in Prince William Sound, appointed by the Governor of Alaska from a list of 4 qualified individuals submitted by the Alaska Federation of Natives, who shall serve terms of 2 years each.

''(E) Two representatives from the oil and gas industry to be appointed by the Governor of the State of Alaska who shall serve terms of 2 years each. Interested organizations from within the oil and gas industry may submit the names of qualified individuals for consideration by the Governor.

''(F) Two at-large representatives from among residents of communities in Alaska that were affected by the EXXON VALDEZ oil spill who are knowledgeable about the marine environment and wildlife within Prince William Sound, and who shall serve terms of 2 years each, appointed by the remaining members of the Advisory Board. Interested parties may submit the names of qualified individuals for consideration by the Advisory Board.'';

(9) adding at the end of subsection (c) the following:

''(4) SCIENTIFIC REVIEW.—The Advisory Board may request a scientific review of the research program every five years by the National Academy of Sciences which shall perform the review, if requested, as part of its responsibilities under section 7001(b)(2).'';

(10) by striking ''the EXXON VALDEZ oil spill'' in subsection (d)(2) and inserting ''Arctic or Subarctic oil spills'';

(11) by striking ''Secretary of Commerce'' in subsection (e) and inserting ''Advisory Board'';

(12) by striking '', the Advisory Board,'' in the second sentence of subsection (e);

(13) by striking ''Secretary's'' in subsection (e) and inserting ''Advisory Board's'';

(14) by inserting ''authorization in section 5006(b) providing funding for the'' in subsection (i) after ''The'';

(15) by striking ''this Act'' in subsection (i) and inserting ''the Coast Guard Authorization Act of 1995''; and

(16) by inserting ''The Advisory Board may compensate its Federal representatives for their reasonable travel costs.'' in subsection (j) after ''Institute.''.

(b) FUNDING.—Section 5006 of the Oil Pollution Act of 1990 (33 U.S.C. 2736) is amended by—

(1) striking subsection (a), redesignating subsection (b) as subsection ''(a)'';

(2) striking ''5003'' in the caption of subsection (a), as redesignated, and inserting ''5001, 5003,'';

(3) inserting ''to carry out section 5001 in the amount as determined in section 5006(b), and'' after ''limitation,'' in the text of subsection (a), as redesignated; and

(4) adding at the end thereof the following:

''(b) USE OF INTEREST ONLY.—The amount of funding to be made available annually to carry out section 5001 shall be the interest

produced by the Fund's investment of the $22,500,000 remaining funding authorized for the Prince William Sound Oil Spill Recovery Institute and currently deposited in the Fund and invested by the Secretary of the Treasury in income producing securities along with other funds comprising the Fund.

''(c) USE FOR SECTION 1012.—Beginning with the eleventh year following the date of enactment of the Coast Guard Authorization Act of 1995, the funding authorized for the Prince William Sound Oil Spill Recovery Institute and deposited in the Fund shall thereafter be made available for purposes of section 1012 in Alaska.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 6002(b) of the Oil Pollution Act of 1990 (33 U.S.C. 2752(b)) is amended by striking ''5006(b)'' and inserting ''5006''.

(2) Section 7001(c)(9) the Oil Pollution Act of 1990 (33 U.S.C. 2761(c)(9)) is amended by striking the period at the end thereof and inserting ''until the authorization for funding under section 5006(b) expires''.

SEC. 1103. LIMITED DOUBLE HULL EXEMPTIONS.

(a) IN GENERAL.—The double hull construction requirements of section 3703a of title 46, United States Code, do not apply to—

(1) a vessel documented under chapter 121 of title 46, United States Code, that was equipped with a double hull before August 12, 1992;

(2) a barge of less than 1,500 gross tons carrying refined petroleum product in bulk as cargo in or adjacent to waters of the Bering Sea, Chukchi Sea, and Arctic Ocean and waters tributary thereto and in the waters of the Aleutian Islands and the Alaskan Peninsula west of 155 degrees west longitude; or

(3) a vessel in the National Defense Reserve Fleet pursuant to section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744).

(b) AUTHORITY OF THE SECRETARY OF TRANSPORTATION.—

(1) OPERATION OF BARGES IN OTHER WATERS.—The operation of barges described in subsection (a)(2) outside waters described in that subsection shall be on such conditions as the Secretary of Transportation may require.

(2) NO EFFECT ON OTHER AUTHORITY OF THE SECRETARY.—Except as provided in subsection (a), nothing in this section affects the authority of the Secretary of Transportation to regulate the construction, operation, or manning of barges and vessels in accordance with applicable laws and regulations.

(c) BARGE DEFINED.—For purposes of this section, the term ''barge'' has the meaning given that term in section 2101 of title 46, United States Code.

SEC. 1104. OIL SPILL RESPONSE VESSELS.

(a) DESCRIPTION.—Section 2101 of title 46, United States Code, is amended—

(1) by redesignating paragraph (20a) as (20b); and

(2) by inserting after paragraph (20) the following new paragraph:

''(20a) 'oil spill response vessel' means a vessel that is designated in its certificate of inspection as such a vessel, or that is adapted to respond to a discharge of oil or a hazardous material.''.

(b) EXEMPTION FROM LIQUID BULK CARRIAGE REQUIREMENTS.—Section 3702 of title 46, United States Code, is amended by adding at the end thereof the following:

''(f) This chapter does not apply to an oil spill response vessel if—

''(1) the vessel is used only in response-related activities; or

''(2) the vessel is—

''(A) not more than 500 gross tons;

''(B) designated in its certificate of inspection as an oil spill response vessel; and

''(C) engaged in response-related activities.''.

(c) MANNING.—Section 8104(p) of title 46, United States Code, is amended to read as follows:

''(p) The Secretary may prescribe the watchstanding and work hours requirements for an oil spill response vessel.''.

(d) MINIMUM NUMBER OF LICENSED INDIVIDUALS.—Section 8301(e) of title 46, United States Code, is amended to read as follows:

''(e) The Secretary may prescribe the minimum number of licensed individuals for an oil spill response vessel.''.

(e) MERCHANT MARINER DOCUMENT REQUIREMENTS.—Section 8701(a) of title 46, United States Code, is amended—

(1) by striking ''and'' after the semicolon at the end of paragraph (7),

(2) by striking the period at the end of paragraph (8) and inserting a semicolon and ''and''; and

(3) by adding at the end thereof the following new paragraph:

''(9) the Secretary may prescribe the individuals required to hold a merchant mariner's document serving onboard an oil spill response vessel.''.

(f) EXEMPTION FROM TOWING VESSEL REQUIREMENT.—Section 8905 of title 46, United States Code, is amended by adding at the end the following new subsection:

''(c) Section 8904 of this title does not apply to an oil spill response vessel while engaged in oil spill response or training activities.''.

(g) INSPECTION REQUIREMENT.—Section 3301 of title 46, United States Code, is amended by adding at the end the following new paragraph:

''(14) oil spill response vessels.''.

SEC. 1105. SENSE OF THE CONGRESS REGARDING PASSENGERS ABOARD COMMERCIAL VESSELS.

It is the sense of the Congress that section 521(a)(1) of Public Law 103–182 (19 U.S.C. 58c(a)(5)) was intended to require the collection and remission of a fee from each passenger only one time in the course of a single voyage aboard a commercial vessel.

SEC. 1106. CALIFORNIA CRUISE INDUSTRY REVITALIZATION.

Section 5(b)(2) of the Act of January 2, 1951 (15 U.S.C. 1175(b)(2)), commonly referred to as the ''Johnson Act'', is amended by adding at the end thereof the following:

''(C) EXCLUSION OF CERTAIN VOYAGES AND SEGMENTS.—Except for a voyage or segment of a voyage that occurs within the boundaries of the State of Hawaii, a voyage or segment of a voyage is not described in subparagraph (B) if it includes or consists of a segment—

''(i) that begins and ends in the same State;

''(ii) that is part of a voyage to another State or to a foreign country; and

''(iii) in which the vessel reaches the other State or foreign country within 3 days after leaving the State in which it begins.''.

SEC. 1107. LOWER COLUMBIA RIVER MARINE FIRE AND SAFETY ACTIVITIES.

The Secretary of Transportation is authorized to expend out of the amounts appropriated for the Coast Guard for fiscal year 1996 not more than $491,000 for lower Columbia River marine, fire, oil, and toxic spill response communications, training, equipment, and program administration activities conducted by the Marine Fire and Safety Association.

SEC. 1108. OIL POLLUTION RESEARCH TRAINING.

Section 7001(c)(2)(D) of the Oil Pollution Act of 1990 (33 U.S.C. 2761(c)(2)(D)) is amended by striking ''Texas;'' and inserting ''Texas, and the Center for Marine Training and Safety in Galveston, Texas;''.

SEC. 1109. LIMITATION ON RELOCATION OF HOUSTON AND GALVESTON MARINE SAFETY OFFICES.

The Secretary of Transportation may not relocate the Coast Guard Marine Safety Offices in Galveston, Texas, and Houston, Texas. Nothing in this section prevents the consolidation of management functions of these Coast Guard authorities.

SEC. 1110. UNINSPECTED FISH TENDER VESSELS.

Section 3302 of Title 46, United States Code, is amended in subsection (c)(3)(A) by adding ''(including fishery-related products)'' after the word ''cargo''.

SEC. 1111. FOREIGN PASSENGER VESSEL USER FEES.

Section 3303 of title 46, United States Code, is amended—

(1) by striking ''(a)'' in subsection (a); and

(2) by striking subsection (b).

SEC. 1112. COAST GUARD USER FEES.

(a) FINDINGS.—The Congress finds the following:

(1) The Secretary of Transportation is authorized under subsection 10401(g) of the Omnibus Budget Reconciliation Act of 1990 (46 U.S.C. 2110(g)) to exempt persons from the requirement to pay Coast Guard inspection user fees if it is in the public interest to do so.

(2) Publicly-owned ferries serve the public interest by providing necessary, and in many cases, the only available, transportation between locations divided by bodies of water.

(3) Small passenger vessels serve the public interest by providing vital small business opportunities in virtually every coastal city of the United States and by providing important passenger vessels services.

(4) During the Coast Guard inspection user fee rulemaking process, small passenger vessel operators informed the Coast Guard that proposed user fees were excessive and would force small passenger operators out of business, leaving many areas without small passenger vessel services required by the public.

(5) The Secretary of Transportation failed to adequately protect the public interest and failed to follow Congressional intent by establishing Coast Guard inspection user fees for small passenger vessels which exceed the ability of these small businesses to pay the fees and by establishing Coast Guard inspection user fees for publicly-owned ferries.

(b) LIMITS ON USER FEES.—Section 10401(g) of the Omnibus Budget Reconciliation Act of 1990 (46 U.S.C. 2110(a)(2)) is amended by adding after ''annually.'' the following: ''The Secretary may not establish a fee or charge under paragraph (1) for inspection or examination of a small passenger vessel under this title that is more than $300 annually for such vessels under 65 feet in length, or more than $600 annually for such vessels 65 feet in length and greater. The Secretary may not establish a fee or charge under paragraph (1) for inspection or examination under this title for any publicly-owned ferry.''.

SEC. 1113. VESSEL FINANCING.

(a) DOCUMENTATION CITIZEN ELIGIBLE MORTGAGEE.—Section 31322(a)(1)(D) of title 46, United States Code, is amended—

(1) by striking ''or'' at the end of clause (v);

(2) by striking the period at the end of clause (vi) and inserting ''; or''; and

(3) by adding at the end the following:

''(vii) a person eligible to own a documented vessel under chapter 121 of this title.''.

(b) AMENDMENT TO TRUSTEE RESTRICTIONS.—Section 31328(a) of title 46, United States Code, is amended—

(1) by striking ''or'' at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting ''; or''; and

(3) by adding at the end the following:

''(5) is a person eligible to own a documented vessel under chapter 121 of this title.''.

(c) LEASING.—Section 12106 of title 46, United States Code, is amended by adding at the end the following:

''(e)(1) A certificate of documentation for a vessel may be endorsed with a coastwise endorsement if—

''(A) the person that owns the vessel, a parent entity of that person, or a subsidiary of a parent entity of that person, is primarily engaged in leasing or other financing transactions;

''(B) the vessel is under a demise charter to a person qualifying as a citizen of the United States for engaging in the coastwise trade under section 2 of the Shipping Act, 1916, and it is certified that there are no other agreements, arrangements, or understandings between the vessel owner and the demise charterer with respect to the operation or management of the vessel;

''(C) the demise charter—

''(i) is for a period of at least 3 years or a shorter period as may be prescribed by the Secretary; and

''(ii) charter hire is not significantly greater than that prevailing in the commercial market; and

''(D) the vessel is otherwise eligible for documentation under section 12102.

''(2) The demise charter and any amendments to that charter shall be filed with the certificate required by this subsection, or within 10 days following the filing of an amendment to the charter, and such charter and amendments shall be made available to the public.

''(3) Upon default by a demise charterer required under paragraph (1)(C), the coastwise endorsement of the vessel may, in the sole discretion of the Secretary, be continued after the termination for default of the demise charter for a period not to exceed 6 months on such terms and conditions as the Secretary may prescribe.

''(4) For purposes of section 2 of the Shipping Act, 1916, and section 12102(a) of this title, a vessel meeting the criteria of this subsection is deemed to be owned exclusively by citizens of the United States.

''(5) A vessel eligible for documentation or to be endorsed with a coastwise endorsement under this subsection is not eligible for a fishery endorsement under section 12108.''.

(d) CONFORMING AMENDMENT.—Section 9(c) of the Shipping Act, 1916, as amended (46 U.S.C. App. 808(c)) is amended by striking ''sections 31322(a)(1)(D)'' and inserting ''sections 12106(e), 31322(a)(1)(D),''.

SEC. 1114. MANNING AND WATCH REQUIREMENTS ON TOWING VESSELS ON THE GREAT LAKES.

(a) Section 8104(c) of title 46, United States Code, is amended—

(1) by striking ''or permitted''; and

(2) by inserting after ''day'' the following: ''or permitted to work more than 15 hours in any 24-hour period, or more than 36 hours in any 72-hour period''.

(b) Section 8104(e) of title 46, United States Code, is amended by striking ''subsections (c) and (d)'' and inserting ''subsection (d)''.

(c) Section 8104(g) of title 46, United States Code, is amended by striking ''(except a vessel to which subsection (c) of this section applies)''.

SEC. 1115. REPEAL OF GREAT LAKES ENDORSEMENTS.

(a) REPEAL.—Section 12107 of title 46, United States Code, is repealed.

(b) CONFORMING AMENDMENTS.—

(1) The analysis at the beginning of chapter 121 of title 46, United States Code, is amended by striking the item relating to section 12107.

(2) Section 12101(b)(3) of title 46, United States Code, is repealed.

(3) Section 4370(a) of the Revised Statutes of the United States (46 App. U.S.C. 316(a)) is amended by striking ''or 12107''.

(4) Section 2793 of the Revised Statutes of the United States (46 App. U.S.C. 111, 123) is amended—

(A) by striking ''coastwise, Great Lakes endorsement'' and all that follows through ''foreign ports,'' and inserting ''registry endorsement, engaged in foreign trade on the Great Lakes or their tributary or connecting waters in trade with Canada,''; and

(B) by striking '', as if from or to foreign ports''.

(5) Section 9302(a)(1) of title 46, United States Code, is amended by striking ''subsections (d) and (e)'' and inserting ''subsections (d), (e) and (f)''.

(6) Section 9302(e) of title 46, United States Code, is amended by striking ''subsections (a) and (b)'' and inserting ''subsection (a)''.

(7) Section 9302 of title 46, United States Code, is amended by adding at the end the following new subsection:

''(f) A United States vessel operating between ports on the Great Lakes or between ports on the Great Lakes and the St. Lawrence River carrying no cargo obtained from a foreign port outside of the Great Lakes or carrying no cargo bound for a foreign port outside of the Great Lakes, is exempt from the requirements of subsection (a) of this section.''.

SEC. 1116. RELIEF FROM UNITED STATES DOCUMENTATION REQUIREMENTS.

(a) IN GENERAL.—Notwithstanding any other law or any agreement with the United States Government, a vessel described in subsection (b) may be transferred to or placed under a foreign registry or sold to a person that is not a citizen of the United States and transferred to or placed under a foreign registry.

(b) VESSELS DESCRIBED.—The vessels referred to in subsection (a) are the following:

(1) RAINBOW HOPE (United States official number 622178).

(2) IOWA TRADER (United States official number 642934).

(3) KANSAS TRADER (United States official number 634621).

(4) MV PLATTE (United States official number number 653210).

(5) SOUTHERN (United States official number 591902).

(6) ARZEW (United States official number 598727).

(7) LAKE CHARLES (United States official number 619531).

(8) LOUISIANA (United States official number 619532).

(9) GAMMA (United States official number 598730).

SEC. 1117. USE OF CANADIAN OIL SPILL RESPONSE AND RECOVERY VESSELS.

Notwithstanding any other provision of law, oil spill response and recovery vessels of Canadian registry may operate in waters of the United States adjacent to the border between Canada and the State of Maine, on an emergency and temporary basis, for the purpose of recovering, transporting, and unloading in a United States port oil discharged as a result of an oil spill in or near such waters, if an adequate number and type of oil spill response and recovery vessels documented under the laws of the United States cannot be engaged to recover oil from an oil spill in or near those waters in a timely manner, as determined by the Federal On-Scene Coordinator for a discharge or threat of a discharge of oil.

SEC. 1118. JUDICIAL SALE OF CERTAIN DOCUMENTED VESSELS TO ALIENS.

Section 31329 of title 46, United States Code, is amended by adding at the end the following new subsection:

''(f) This section does not apply to a documented vessel that has been operated only for pleasure.''.

SEC. 1119. IMPROVED AUTHORITY TO SELL RECYCLABLE MATERIAL.

Section 641(c)(2) of title 14, United States Code, is amended by inserting before the period the following: '', except that the Commandant may conduct sales of materials for which the proceeds of sale will not exceed $5,000 under regulations prescribed by the Commandant''.

SEC. 1120. DOCUMENTATION OF CERTAIN VESSELS.

(a) GENERAL CERTIFICATES.—Notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the following vessels:

(1) ALPHA TANGO (United States official number 945782).

(2) AURA (United States official number 1027807).

(3) BABS (United States official number 1030028).

(4) BAGGER (State of Hawaii registration number HA1809E).

(5) BILLY BUCK (United States official number 939064).

(6) CAPTAIN DARYL (United States official number 580125).

(7) CHRISSY (State of Maine registration number 4778B).

(8) CONSORTIUM (United States official number 303328).

(9) DRAGONESSA (United States official number 646512).

(10) EMERALD AYES (United States official number 986099).

(11) ENDEAVOUR (United States official number 947869).

(12) EVENING STAR (Hull identification number HA2833700774 and State of Hawaii registration number HA8337D).

(13) EXPLORER (United States official number 918080).

(14) FOCUS (United States official number 909293).

(15) FREJA VIKING (Danish registration number A395).

(16) GLEAM (United States official number 921594).

(17) GOD'S GRACE II (State of Alaska registration number AK5916B).

(18) HALCYON (United States official number 690219).

(19) IDUN VIKING (Danish registration number A433).

(20) INTREPID (United States official number 508185).

(21) ISABELLE (United States official number 600655).

(22) JAJO (Hull identification number R1Z200207H280 and State of Rhode Island registration number 388133).

(23) LADY HAWK (United States official number 961095).

(24) LIV VIKING (Danish registration number A394).

(25) MAGIC CARPET (United States official number 278971).

(26) MARANTHA (United States official number 638787).

(27) OLD HAT (United States official number 508299).

(28) ONRUST (United States official number 515058).

(29) PERSEVERANCE (Serial number 77NS8901).

(30) PRIME TIME (United States official number 660944).

(31) QUIETLY (United States official number 658315).

(32) RESOLUTION (Serial number 77NS8701).

(33) ROYAL AFFAIRE (United States official number 649292).

(34) SARAH-CHRISTEN (United States official number 542195).

(35) SEA MISTRESS (United States official number 696806).

(36) SERENITY (United States official number 1021393).

(37) SHAMROCK V (United States official number 900936).

(38) SHOOTER (United States official number 623333).

(39) SISU (United States official number 293648).

(40) SUNRISE (United States official number 950381).

(41) TOO MUCH FUN (United States official number 936565).

(42) TRIAD (United States official number 988602).

(43) WEST FJORD (Hull identification number X–53–109).

(44) WHY NOT (United States official number 688570).

(45) WOLF GANG II (United States official number 984934).

(46) YES DEAR (United States official number 578550).

(47) 14 former United States Army hovercraft with serial numbers LACV–30–04, LACV–30–05, LACV 30–07, LACV–30–09, LACV–30–10, LACV–30–13, LACV–30–14, LACV–30–15, LACV–30–16, LACV–30–22, LACV–30–23, LACV–30–24, LACV–30–25, and LACV–30–26.

(b) M/V TWIN DRILL.—Section 601(d) of the Coast Guard Authorization Act of 1993 (Public Law 103–206, 107 Stat. 2445) is amended—

(1) by striking ''June 30, 1995'' in paragraph (3) and inserting ''June 30, 1996''; and

(2) by striking ''12 months'' in paragraph (4) and inserting ''24 months''.

(c) CERTIFICATES OF DOCUMENTATION FOR GALLANT LADY.—

(1) IN GENERAL.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), section 8 of the Act of June 19, 1886 (24 Stat. 81, chapter 421; 46 U.S.C. App. 289), and section 12106 of title 46, United States Code, and subject to paragraph (2), the Secretary of Transportation may issue a certificate of documentation with an appropriate endorsement for employment in coastwise trade for each of the following vessels:

(A) GALLANT LADY (Feadship hull number 645, approximately 130 feet in length).

(B) GALLANT LADY (Feadship hull number 651, approximately 172 feet in length).

(2) LIMITATION ON OPERATION.—Coastwise trade authorized under a certificate of documentation issued for a vessel under this section shall be limited to the carriage of passengers in association with contributions to charitable organizations no portion of which is received, directly or indirectly, by the owner of the vessel.

(3) CONDITION.—The Secretary may not issue a certificate of documentation for a vessel under paragraph (1) unless, not later than 90 days after the date of enactment of this Act, the owner of the vessel referred to in paragraph (1)(B) submits to the Secretary a letter expressing the intent of the owner to, before April 1, 1997,enter into a contract for the construction in the United States of a passenger vessel of at least 130 feet in length.

(4) EFFECTIVE DATE OF CERTIFICATES.—A certificate of documentation issued under paragraph (1) shall take effect—

(A) for the vessel referred to in paragraph (1)(A), on the date of the issuance of the certificate; and

(B) for the vessel referred to in paragraph (1)(B), on the date of delivery of the vessel to the owner.

(5) TERMINATION OF EFFECTIVENESS OF CERTIFICATES.—A certificate of documentation issued for a vessel under paragraph (1) shall expire—

(A) on the date of the sale of the vessel by the owner;

(B) on April 1, 1997, if the owner of the vessel referred to in paragraph (1)(B) has not entered into a contract for construction of a vessel in accordance with the letter of intent submitted to the Secretary under paragraph (3); or

(C) on such date as a contract referred to in paragraph (2) is breached, rescinded, or terminated (other than for completion of performance of the contract) by the owner of the vessel referred to in paragraph (1)(B).

(d) CERTIFICATES OF DOCUMENTATION FOR ENCHANTED ISLE AND ENCHANTED SEAS.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), the Act of June 19, 1886 (46 U.S.C. App. 289), section 12106 of title 46, United States Code, section 506 of the Merchant Marine Act, 1936 (46 U.S.C. App. 1156), and any agreement with the United States Government, the Secretary of Transportation may issue certificates of documentation with a coastwise endorsement for the vessels ENCHANTED ISLES (Panamanian official number 14087–84B) and ENCHANTED SEAS (Panamanian official number 14064–84D), except that the vessels may not operate between or among islands in the State of Hawaii.

SEC. 1121. VESSEL DEEMED TO BE A RECREATIONAL VESSEL.

The vessel, an approximately 96 meter twin screw motor yacht for which construction commenced in October, 1993, and which has been assigned the builder's number 13583 (to be named the LIMITLESS), is deemed for all purposes, including title 46, United States Code, and all regulations thereunder, to be a recreational vessel of less than 300 gross tons if it does not—

(1) carry cargo or passengers for hire; or

(2) engage in commercial fisheries or oceanographic research.

SEC. 1122. SMALL PASSENGER VESSEL PILOT INSPECTION PROGRAM WITH THE STATE OF MINNESOTA.

(a) IN GENERAL.—The Secretary may enter into an agreement with the State under which the State may inspect small passenger vessels operating in waters of that State designated by the Secretary, if—

(1) the State plan for the inspection of small passenger vessels meets such requirements as the Secretary may require to ensure the safety and operation of such vessels in accordance with the standards that would apply if the Coast Guard were inspecting such vessels; and

(2) the State will provide such information obtained through the inspection program to the Secretary annually in such form and in such detail as the Secretary may require.

(b) FEES.—The Secretary may adjust or waive the user fee imposed under section 3317 of title 46, United States Code, for the inspection of small passenger vessels inspected under the State program.

(c) TERMINATION.—The authority provided by subsection (a) terminates on December 31, 1998.

(d) DEFINITIONS.—For purposes of this section—

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the department in which the Coast Guard is operating.

(2) STATE.—The term ''State'' means the State of Minnesota.

(3) SMALL PASSENGER VESSEL.—The term ''small passenger vessel'' means a small passenger vessel (as defined in section 2101(35) of title 46, United States Code) of not more than 40 feet overall in length.

SEC. 1123. COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS FISHING.

Section 8103(i)(1) of title 46, United States Code, is amended—

(1) by striking ''or'' in subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting a semicolon and ''or''; and

(3) by adding at the end thereof the following:

''(D) an alien allowed to be employed under the immigration laws of the Commonwealth of the Northern Mariana Islands if the vessel is permanently stationed at a port within the Commonwealth and the vessel is engaged in the fisheries within the exclusive economic zone surrounding the Commonwealth or another United States territory or possession.

SEC. 1124. AVAILABILITY OF EXTRAJUDICIAL REMEDIES FOR DEFAULT ON PREFERRED MORTGAGE LIENS ON VESSELS.

(a) AVAILABILITY OF EXTRAJUDICIAL REMEDIES.—Section 31325(b) of title 46, United States Code, is amended—

(1) in the matter preceding paragraph (1) by striking ''mortgage may'' and inserting ''mortgagee may'';

(2) in paragraph (1) by—

(A) striking ''perferred'' and inserting ''preferred''; and

(B) striking ''; and'' and inserting a semicolon; and

(3) by adding at the end the following:

''(3) enforce the preferred mortgage lien or a claim for the outstanding indebtedness secured by the mortgaged vessel, or both, by exercising any other remedy (including an extrajudicial remedy) against a documented vessel, a vessel for which an application for documentation is filed under chapter 121 of this title, a foreign vessel, or a mortgagor, maker, comaker, or guarantor for the amount of the outstanding indebtedness or any deficiency in full payment of that indebtedness, if—

''(A) the remedy is allowed under applicable law; and

''(B) the exercise of the remedy will not result in a violation of section 9 or 37 of the Shipping Act, 1916 (46 U.S.C. App. 808, 835).''.

(b) NOTICE.—Section 31325 of title 46, United States Code, is further amended by adding at the end the following:

''(f)(1) Before title to the documented vessel or vessel for which an application for documentation is filed under chapter 121 is transferred by an extrajudicial remedy, the person exercising the remedy shall give notice of the proposed transfer to the Secretary, to the mortgagee of any mortgage on the vessel filed in substantial compliance with section 31321 of this title before notice of the proposed transfer is given to the Secretary, and to any person that recorded a notice of a claim of an undischarged lien on the vessel under section 31343(a) or (d) of this title before notice of the proposed transfer is given to the Secretary.

''(2) Failure to give notice as required by this subsection shall not affect the transfer of title to a vessel. However, the rights of any holder of a maritime lien or a preferred mortgage on the vessel shall not be affected by a transfer of title by an extrajudicial remedy exercised under this section, regardless of whether notice is required by this subsection or given.

''(3) The Secretary shall prescribe regulations establishing the time and manner for providing notice under this subsection.''.

(c) RULE OF CONSTRUCTION.—The amendments made by subsections (a) and (b) may not be construed to imply that remedies other than judicial remedies were not available before the date of enactment of this section to enforce claims for outstanding indebtedness secured by mortgaged vessels.

SEC. 1125. OFFSHORE FACILITY FINANCIAL RESPONSIBILITY REQUIREMENTS.

(a) AMOUNT OF FINANCIAL RESPONSIBILITY.—Section 1016(c)(1) of the Oil Pollution Act of 1990 (33 U.S.C. 2716(c)(1)) is amended to read as follows:

''(1) IN GENERAL.—

''(A) EVIDENCE OF FINANCIAL RESPONSIBILITY REQUIRED.—Except as provided in paragraph (2), a responsible party with respect to an offshore facility that—

''(i)(I) is located seaward of the line of ordinary low water along that portion of the coast that is in direct contact with the open sea and the line marking the seaward limit of inland waters; or

''(II) is located in inland waters, such as coastal bays or estuaries, seaward of the line of ordinary low water along that portion of the coast that is not in direct contact with the open sea;

''(ii) is used for exploring for, drilling for, or producing oil, or for transporting oil from facilities engaged in oil exploration, drilling, or production; and

''(iii) has a worst-case oil spill discharge potential of more than 1,000 barrels of oil (or a lesser amount if the President determines that the risks posed by such facility justify it),

shall establish and maintain evidence of financial responsibility in the amount required under subparagraph (B) or (C), as applicable.

''(B) AMOUNT REQUIRED GENERALLY.—Except as provided in subparagraph (C), the amount of financial responsibility for offshore facilities that meet the criteria in subparagraph (A) is—

''(i) $35,000,000 for offshore facilities located seaward of the seaward boundary of a State; or

''(ii) $10,000,000 for offshore facilities located landward of the seaward boundary of a State.

''(C) GREATER AMOUNT.—If the President determines that an amount of financial responsibility for a responsible party greater than the amount required by subparagraphs (B) and (D) is justified by the relative operational, environmental, human health, and other risks posed by the quantity or quality of oil that is explored for, drilled for, produced, stored, handled, transferred, processed or transported by the responsible party, the evidence of financial responsibility required shall be for an amount determined by the President not exceeding $150,000,000.

''(D) MULTIPLE FACILITIES.—In the case in which a person is a responsible party for more than one facility subject to this subsection, evidence of financial responsibility need be established only to meet the amount applicable to the facility having the greatest financial responsibility requirement under this subsection.

''(E) STATE JURISDICTION.—The requirements of this paragraph shall not apply if an offshore facility located landward of the seaward boundary of a State is required by such State to establish and maintain evidence of financial responsibility in a manner comparable to, and in an amount equal to or greater than, the requirements of this paragraph.

''(F) DEFINITION.—For the purpose of this paragraph, the phrase ''seaward boundary of a State'' shall mean the boundaries described in section 2(b) of the Submerged Lands Act (43 U.S.C. 1301(b)).''.

SEC. 1126. DEAUTHORIZATION OF NAVIGATION PROJECT, COHASSET HARBOR, MASSACHUSETTS.

The following portions of the project for navigation, Cohasset Harbor, Massachusetts, authorized by section 2 of the Act entitled ''An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved March 2, 1945 (59 Stat. 12), or carried out pursuant to section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), are deauthorized: A 7-foot deep anchorage and a 6-foot deep anchorage; beginning at site 1, starting at a point N453510.15, E792664.63, thence running south 53 degrees 07 minutes 05.4 seconds west 307.00 feet to a point N453325.90, E792419.07, thence running north 57 degrees 56 minutes 36.8 seconds west 201.00 feet to a point N453432.58, E792248.72, thence running south 88 degrees 57 minutes 25.6 seconds west 50.00 feet to a point N453431.67, E792198.73, thence running north 01 degree 02 minutes 52.3 seconds west 66.71 feet to a point N453498.37, E792197.51, thence running north 69 degrees 12 minutes 52.3 seconds east 332.32 feet to a point N453616.30, E792508.20, thence running south 55 degrees 50 minutes 24.1 seconds east 189.05 feet to point of origin; then site 2, starting at a point, N452886.64, E791287.83, thence running south 00 degrees 00 minutes 00.0 seconds west 56.04 feet to a point, N452830.60, E791287.83, thence running north 90 degrees 00 minutes 00.0 seconds west 101.92 feet to a point, N452830.60, E791185.91, thence running north 52 degrees 12 minutes 49.7 seconds east 89.42 feet to a point, N452885.39, E791256.58, thence running north 87 degrees 42 minutes 33.8 seconds east 31.28 feet to point of origin; and site 3, starting at a point, N452261.08, E792040.24, thence running north 89 degrees 07 minutes 19.5 seconds east 118.78 feet to a point, N452262.90, E792159.01, thence running south 43 degrees 39 minutes 06.8 seconds west 40.27 feet to a point, N452233.76, E792131.21, thence running north 74 degrees 33 minutes 29.1 seconds west 94.42 feet to a point, N452258.90, E792040.20, thence running north 01 degree 03 minutes 04.3 seconds east 2.18 feet to point of origin.

The text of the House amendment is as follows:

House amendment:

Strike out all after the enacting clause of S. 1004 and insert in lieu thereof the text of H.R. 1361 as passed by the House, as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Coast Guard Authorization Act For Fiscal Year 1996''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

TITLE I—AUTHORIZATIONS

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 1996, as follows:

(1) For the operation and maintenance of the Coast Guard, $2,618,316,000, of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $428,200,000, to remain available until expended, of which $32,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $22,500,000, to remain available until expended, of which $3,150,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $582,022,000.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, $16,200,000, to remain available until expended.

(6) For necessary expenses to carry out the Coast Guard's environmental compliance and restoration functions, other than parts and equipment associated with operations and maintenance, under chapter 19 of title 14, United States Code, at Coast Guard facilities, $25,000,000, to remain available until expended.

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) ACTIVE DUTY STRENGTH.—The Coast Guard is authorized an end-of-year strength for active duty personnel of 38,400 as of September 30, 1996.

(b) MILITARY TRAINING STUDENT LOADS.—For fiscal year 1996, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 1604 student years.

(2) For flight training, 85 student years.

(3) For professional training in military and civilian institutions, 330 student years.

(4) For officer acquisition, 874 student years.

SEC. 103. QUARTERLY REPORTS ON DRUG INTERDICTION.

Not later than 30 days after the end of each fiscal year quarter, the Secretary of Transportation shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on all expenditures related to drug interdiction activities of the Coast Guard during that quarter.

SEC. 104. ENSURING MARITIME SAFETY AFTER CLOSURE OF SMALL BOAT STATION OR REDUCTION TO SEASONAL STATUS.

(a) MARITIME SAFETY DETERMINATION.—None of the funds authorized to be appropriated under this Act may be used to close Coast Guard multimission small boat stations unless the Secretary of Transportation determines that maritime safety will not be diminished by the closures.

(b) TRANSITION PLAN REQUIRED.—None of the funds appropriated under the authority of this Act may be used to close or reduce to seasonal status a small boat station, unless the Secretary of Transportation, in cooperation with the community affected by the closure or reduction, has developed and implemented a transition plan to ensure that the maritime safety needs of the community will continue to be met.

TITLE II—PERSONNEL MANAGEMENT IMPROVEMENT

SEC. 201. HURRICANE ANDREW RELIEF.

Section 2856 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484) applies to the military personnel of the Coast Guard who were assigned to, or employed at or in connection with, any Federal facility or installation in the vicinity of Homestead Air Force Base, Florida, including the areas of Broward, Collier, Dade, and Monroe Counties, on or before August 24, 1992, except that—

(1) funds available to the Coast Guard, not to exceed a total of $25,000, shall be used; and

(2) the Secretary of Transportation shall administer that section with respect to Coast Guard personnel.

SEC. 202. EXCLUDE CERTAIN RESERVES FROM END-OF-YEAR STRENGTH.

Section 712 of title 14, United States Code, is amended by adding at the end the following:

''(d) Reserve members ordered to active duty under this section shall not be counted in computing authorized strength of members on active duty or members in grade under this title or under any other law.''.

SEC. 203. PROVISION OF CHILD DEVELOPMENT SERVICES.

Section 93 of title 14, United States Code, is amended by striking ''and'' after the semicolon at the end of paragraph (t)(2), by striking the period at the end of paragraph (u) and inserting ''; and'', and by adding at the end the following new paragraph:

''(v) make child development services available to members of the armed forces and Federal civilian employees under terms and conditions comparable to those under the Military Child Care Act of 1989 (10 U.S.C. 113 note).''.

SEC. 204. ACCESS TO NATIONAL DRIVER REGISTER INFORMATION ON CERTAIN COAST GUARD PERSONNEL.

(a) AMENDMENT TO TITLE 14.—Section 93 of title 14, United States Code, as amended by section 203, is further amended—

(1) by striking ''and'' after the semicolon at the end of paragraph (u);

(2) by striking the period at the end of paragraph (v) and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(w) require that any officer, chief warrant officer, or enlisted member of the Coast Guard or Coast Guard Reserve (including a cadet or an applicant for appointment or enlistment to any of the foregoing and any member of a uniformed service who is assigned to the Coast Guard) request that all information contained in the National Driver Register pertaining to the individual, as described in section 30304(a) of title 49, be made available to the Commandant under section 30305(a) of title 49, may receive that information, and upon receipt, shall make the information available to the individual.''.

(b) AMENDMENT TO TITLE 49.—Section 30305(b) of title 49, United States Code, is amended by redesignating paragraph (7) as paragraph (8) and inserting after paragraph (6) the following new paragraph:

''(7) An individual who is an officer, chief warrant officer, or enlisted member of the Coast Guard or Coast Guard Reserve (including a cadet or an applicant for appointment or enlistment of any of the foregoing and any member of a uniformed service who is assigned to the Coast Guard) may request the chief driver licensing official of a State to provide information about the individual under subsection (a) of this section to the Commandant of the Coast Guard. The Commandant may receive the information and shall make the information available to the individual. Information may not be obtained from the Register under this paragraph if the information was entered in the Register more than 3 years before the request, unless the information is about a revocation or suspension still in effect on the date of the request.''.

SEC. 205. OFFICER RETENTION UNTIL RETIREMENT ELIGIBLE.

Section 283(b) of title 14, United States Code, is amended—

(1) by inserting ''(1)'' after ''(b)'';

(2) by striking the last sentence; and

(3) by adding at the end the following:

''(2) Upon the completion of a term under paragraph (1), an officer shall, unless selected for further continuation—

''(A) except as provided in subparagraph (B), be honorably discharged with severance pay computed under section 286 of this title;

''(B) in the case of an officer who has completed at least 18 years of active service on the date of discharge under subparagraph (A), be retained on active duty and retired on the last day of the month in which the officer completes 20 years of active service, unless earlier removed under another provision of law; or

''(C) if, on the date specified for the officer's discharge in this section, the officer has completed at least 20 years of active service or is eligible for retirement under any law, be retired on that date.''.

TITLE III—NAVIGATION SAFETY AND WATERWAY SERVICES MANAGEMENT

SEC. 301. FOREIGN PASSENGER VESSEL USER FEES.

Section 3303 of title 46, United States Code, is amended—

(1) in subsection (a) by striking ''(a) Except as'' and inserting ''Except as''; and

(2) by striking subsection (b).

SEC. 302. FLORIDA AVENUE BRIDGE.

For purposes of the alteration of the Florida Avenue Bridge (located approximately 1.63 miles east of the Mississippi River on the Gulf Intracoastal Waterway in Orleans Parish, Louisiana) ordered by the Secretary of Transportation under the Act of June 21, 1940 (33 U.S.C. 511 et seq.; popularly known as the Truman-Hobbs Act), the Secretary of Transportation shall treat the drainage siphon that is adjacent to the bridge as an appurtenance of the bridge, including with respect to apportionment and payment of costs for the removal of the drainage siphon in accordance with that Act.

SEC. 303. RENEWAL OF HOUSTON-GALVESTON NAVIGATION SAFETY ADVISORY COMMITTEE AND LOWER MISSISSIPPI RIVER WATERWAY ADVISORY COMMITTEE.

The Coast Guard Authorization Act of 1991 (Public Law 102–241, 105 Stat. 2208–2235) is amended—

(1) in section 18 by adding at the end the following:

''(h) The Committee shall terminate on October 1, 2000.''; and

(2) in section 19 by adding at the end the following:

''(g) The Committee shall terminate on October 1, 2000.''.

SEC. 304. RENEWAL OF THE NAVIGATION SAFETY ADVISORY COUNCIL.

(a) RENEWAL.—Section 5(d) of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2073) is amended by striking ''September 30, 1995'' and inserting ''September 30, 2000''.

(b) CLERICAL AMENDMENT.—The section heading for section 5(d) of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2073) is amended by striking ''Rules of the Road Advisory Council'' and inserting ''Navigation Safety Advisory Council''.

SEC. 305. RENEWAL OF COMMERCIAL FISHING INDUSTRY VESSEL ADVISORY COMMITTEE.

Subsection (e)(1) of section 4508 of title 46, United States Code, is amended by striking ''September 30, 1994'' and inserting ''October 1, 2000''.

SEC. 306. NONDISCLOSURE OF PORT SECURITY PLANS.

Section 7 of the Ports and Waterways Safety Act (33 U.S.C. 1226), is amended by adding at the end the following new subsection (c):

''(c) NONDISCLOSURE OF PORT SECURITY PLANS.—Notwithstanding any other provision of law, information related to security plans, procedures, or programs for passenger vessels or passenger terminals authorized under this Act is not required to be disclosed to the public.''.

SEC. 307. MARITIME DRUG AND ALCOHOL TESTING PROGRAM CIVIL PENALTY.

(a) PENALTY IMPOSED.—Chapter 21 of title 46, United States Code, is amended by adding at the end the following new section:

''§ 2115. Civil penalty to enforce alcohol and dangerous drug testing

''Any person who fails to comply with or otherwise violates the requirements prescribed by the Secretary under this subtitle for chemical testing for dangerous drugs or for evidence of alcohol use is liable to the United States Government for a civil penalty of not more than $1,000 for each violation. Each day of a continuing violation shall constitute a separate violation.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 21 of title 46, United States Code, is amended by inserting after the item relating to section 2114 the following new item:

''2115. Civil penalty to enforce alcohol and dangerous drug testing.''.

SEC. 308. WITHHOLDING VESSEL CLEARANCE FOR VIOLATION OF CERTAIN ACTS.

(a) TITLE 49, UNITED STATES CODE.—Section 5122 of title 49, United States Code, is amended by adding at the end the following new subsection:

''(c) WITHHOLDING OF CLEARANCE.—(1) If any owner, operator, or person in charge of a vessel is liable for a civil penalty under section 5123 of this title or for a fine under section 5124 of this title, or if reasonable cause exists to believe that such owner, operator, or person in charge may be subject to such a civil penalty or fine, the Secretary of the Treasury, upon the request of the Secretary, shall with respect to such vessel refuse or revoke any clearance required by section 4197 of the Revised Statutes of the United States (46 App. U.S.C. 91).

''(2) Clearance refused or revoked under this subsection may be granted upon the filing of a bond or other surety satisfactory to the Secretary.''.

(b) PORT AND WATERWAYS SAFETY ACT.—Section 13(f) of the Ports and Waterways Safety Act (33 U.S.C. 1232(f)) is amended to read as follows:

''(f) WITHHOLDING OF CLEARANCE.—(1) If any owner, operator, or person in charge of a vessel is liable for a penalty or fine under this section, or if reasonable cause exists to believe that the owner, operator, or person in charge may be subject to a penalty or fine under this section, the Secretary of the Treasury, upon the request of the Secretary, shall with respect to such vessel refuse or revoke any clearance required by section 4197 of the Revised Statutes of the United States (46 App. U.S.C. 91).

''(2) Clearance refused or revoked under this subsection may be granted upon filing of a bond or other surety satisfactory to the Secretary.''.

(c) INLAND NAVIGATION RULES ACT OF 1980.—Section 4(d) of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2072(d)) is amended to read as follows:

''(d) WITHHOLDING OF CLEARANCE.—(1) If any owner, operator, or person in charge of a vessel is liable for a penalty under this section, or if reasonable cause exists to believe that the owner, operator, or person in charge may be subject to a penalty under this section, the Secretary of the Treasury, upon the request of the Secretary, shall with respect to such vessel refuse or revoke any clearance required by section 4197 of the Revised Statutes of the United States (46 App. U.S.C. 91).

''(2) Clearance or a permit refused or revoked under this subsection may be granted upon filing of a bond or other surety satisfactory to the Secretary.''.

(d) TITLE 46, UNITED STATES CODE.—Section 3718(e) of title 46, United States Code, is amended to read as follows:

''(e)(1) If any owner, operator, or person in charge of a vessel is liable for any penalty or fine under this section, or if reasonable cause exists to believe that the owner, operator, or person in charge may be subject to any penalty or fine under this section, the Secretary of the Treasury, upon the request of the Secretary, shall with respect to such vessel refuse or revoke any clearance required by section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91).

''(2) Clearance or a permit refused or revoked under this subsection may be granted upon filing of a bond or other surety satisfactory to the Secretary.''.

SEC. 309. INCREASED CIVIL PENALTIES.

(a) PENALTY FOR FAILURE TO REPORT A CASUALTY.—Section 6103(a) of title 46, United States Code, is amended by striking ''$1,000'' and inserting ''not more than $25,000''.

(b) OPERATION OF UNINSPECTED VESSEL IN VIOLATION OF MANNING REQUIREMENTS.—Section 8906 of title 46, United States Code, is amended by striking ''$1,000'' and inserting ''not more than $25,000''.

SEC. 310. AMENDMENT TO REQUIRE EMERGENCY POSITION INDICATING RADIO BEACONS ON THE GREAT LAKES.

Paragraph (7) of section 4502(a) of title 46, United States Code, is amended by inserting ''or beyond three nautical miles from the coastline of the Great Lakes'' after ''high seas''.

SEC. 311. EXTENSION OF TOWING SAFETY ADVISORY COMMITTEE.

Subsection (e) of the Act to establish a Towing Safety Advisory Committee in the

Department of Transportation (33 U.S.C. 1231a(e)), is amended by striking ''September 30, 1995'' and inserting ''October 1, 2000''.

TITLE IV—MISCELLANEOUS

SEC. 401. TRANSFER OF COAST GUARD PROPERTY IN TRAVERSE CITY, MICHIGAN.

(a) REQUIREMENT.—The Secretary of Transportation (or any other official having control over the property described in subsection (b)) shall expeditiously convey to the Traverse City Area Public School District in Traverse City, Michigan, without consideration, all right, title, and interest of the United States in and to the property described in subsection (b), subject to all easements and other interests in the property held by any other person.

(b) PROPERTY DESCRIBED.—The property referred to in subsection (a) is real property located in the city of Traverse City, Grand Traverse County, Michigan, and consisting of that part of the southeast ¼ of Section 12, Township 27 North, Range 11 West, described as: Commencing at the southeast ¼ corner of said Section 12, thence north 03 degrees 05 minutes 25 seconds east along the East line of said Section, 1074.04 feet, thence north 86 degrees 36 minutes 50 seconds west 207.66 feet, thence north 03 degrees 06 minutes 00 seconds east 572.83 feet to the point of beginning, thence north 86 degrees 54 minutes 00 seconds west 1,751.04 feet, thence north 03 degrees 02 minutes 38 seconds east 330.09 feet, thence north 24 degrees 04 minutes 40 seconds east 439.86 feet, thence south 86 degrees 56 minutes 15 seconds east 116.62 feet, thence north 03 degrees 08 minutes 45 seconds east 200.00 feet, thence south 87 degrees 08 minutes 20 seconds east 68.52 feet, to the southerly right-of-way of the C & O Railroad, thence south 65 degrees 54 minutes 20 seconds east along said right-of-way 1508.75 feet, thence south 03 degrees 06 minutes 00 seconds west 400.61 to the point of beginning, consisting of 27.10 acres of land, and all improvements located on that property including buildings, structures, and equipment.

(c) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to subsection (a), any conveyance of property described in subsection (b) shall be subject to the condition that all right, title, and interest in and to the property so conveyed shall immediately revert to the United States if the property, or any part thereof, ceases to be used by the Traverse City School District.

SEC. 402. TRANSFER OF COAST GUARD PROPERTY IN KETCHIKAN, ALASKA.

(a) CONVEYANCE REQUIREMENT.—The Secretary of Transportation shall convey to the Ketchikan Indian Corporation in Ketchikan, Alaska, without reimbursement and by no later than 120 days after the date of enactment of this Act, all right, title, and interest of the United States in and to the property known as the ''Former Marine Safety Detachment'' as identified in Report of Excess Number CG–689 (GSA Control Number 9–U–AK–0747) and described in subsection (b), for use by the Ketchikan Indian Corporation as a health or social services facility.

(b) PROPERTY DESCRIBED.—The property referred to in subsection (a) is real property located in the city of Ketchikan, Township 75 south, range 90 east, Copper River Meridian, First Judicial District, State of Alaska, and commencing at corner numbered 10, United States Survey numbered 1079, the true point of beginning for this description: Thence north 24 degrees 04 minutes east, along the 10–11 line of said survey a distance of 89.76 feet to corner numbered 1 of lot 5B; thence south 65 degrees 56 minutes east a distance of 345.18 feet to corner numbered 2 of lot 5B; thence south 24 degrees 04 minutes west a distance of 101.64 feet to corner numbered 3 of lot 5B; thence north 64 degrees 01 minute west a distance of 346.47 feet to corner numbered 10 of said survey, to the true point of beginning, consisting of 0.76 acres (more or less), and all improvements located on that property, including buildings, structures, and equipment.

(c) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to subsection (a), any conveyance of property described in subsection (b) shall be subject to the condition that all right, title, and interest in and to the property so conveyed shall immediately revert to the United States if the property, or any part thereof, ceases to be used by the Ketchikan Indian Corporation as a health or social services facility.

SEC. 403. ELECTRONIC FILING OF COMMERCIAL INSTRUMENTS.

Section 31321(a) of title 46, United States Code, is amended by adding at the end the following new paragraph:

''(4)(A) A bill of sale, conveyance, mortgage, assignment, or related instrument may be filed electronically under regulations prescribed by the Secretary.

''(B) A filing made electronically under subparagraph (A) shall not be effective after the 10-day period beginning on the date of the filing unless the original instrument is provided to the Secretary within that 10-day period.''.

SEC. 404. BOARD FOR CORRECTION OF MILITARY RECORDS DEADLINE.

(a) REMEDIES DEEMED EXHAUSTED.—Ten months after a complete application for correction of military records is received by the Board for Correction of Military Records of the Coast Guard, administrative remedies are deemed to have been exhausted, and—

(1) if the Board has rendered a recommended decision, its recommendation shall be final agency action and not subject to further review or approval within the Department of Transportation; or

(2) if the Board has not rendered a recommended decision, agency action is deemed to have been unreasonably delayed or withheld and the applicant is entitled to—

(A) an order under section 706(1) of title 5, United States Code, directing final action be taken within 30 days from the date the order is entered; and

(B) from amounts appropriated to the Department of Transportation, the costs of obtaining the order, including a reasonable attorney's fee.

(b) EXISTING DEADLINE MANDATORY.—The 10-month deadline established in section 212 of the Coast Guard Authorization Act of 1989 (Public Law 101–225, 103 Stat. 1914) is mandatory.

(c) APPLICATION.—This section applies to all applications filed with or pending before the Board or the Secretary of Transportation on or after June 12, 1990. For applications that were pending on June 12, 1990, the 10-month deadline referred to in subsection (b) shall be calculated from June 12, 1990.

SEC. 405. JUDICIAL SALE OF CERTAIN DOCUMENTED VESSELS TO ALIENS.

Section 31329 of title 46, United States Code, is amended by adding at the end the following new subsection:

''(f) This section does not apply to a documented vessel that has been operated only—

''(1) as a fishing vessel, fish processing vessel, or fish tender vessel; or

''(2) for pleasure.''.

SEC. 406. IMPROVED AUTHORITY TO SELL RECYCLABLE MATERIAL.

Section 641(c)(2) of title 14, United States Code, is amended by inserting before the period the following: '', except that the Commandant may conduct sales of materials for which the proceeds of sale will not exceed $5,000 under regulations prescribed by the Commandant''.

SEC. 407. RECRUITMENT OF WOMEN AND MINORITIES.

Not later than January 31, 1996, the Commandant of the Coast Guard shall report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, on the status of and the problems in recruitment of women and minorities into the Coast Guard. The report shall contain specific plans to increase the recruitment of women and minorities and legislative recommendations needed to increase the recruitment of women and minorities.

SEC. 408. LIMITATION OF CERTAIN STATE AUTHORITY OVER VESSELS.

(a) SHORT TITLE.—This section may be cited as the ''California Cruise Industry Revitalization Act''.

(b) LIMITATION.—Section 5(b)(2) of the Act of January 2, 1951 (15 U.S.C. 1175(b)(2)), commonly referred to as the ''Johnson Act'', is amended by adding at the end the following:

''(C) EXCLUSION OF CERTAIN VOYAGES AND SEGMENTS.—Except for a voyage or segment of a voyage that occurs within the boundaries of the State of Hawaii, a voyage or segment of a voyage is not described in subparagraph (B) if it includes or consists of a segment—

''(i) that begins and ends in the same State;

''(ii) that is part of a voyage to another State or to a foreign country; and

''(iii) in which the vessel reaches the other State or foreign country within 3 days after leaving the State in which it begins.''.

SEC. 409. VESSEL FINANCING.

(a) DOCUMENTATION CITIZEN ELIGIBLE MORTGAGEE.—Section 31322(a)(1)(D) of title 46, United States Code, is amended—

(1) by striking ''or'' at the end of 31322(a)(1)(D)(v) and inserting ''or'' at the end of 31322(a)(1)(D)(vi); and

(2) by adding at the end a new subparagraph as follows:

''(vii) a person eligible to own a documented vessel under chapter 121 of this title.''.

(b) AMENDMENT TO TRUSTEE RESTRICTIONS.—Section 31328(a) of title 46, United States Code, is amended—

(1) by striking ''or'' at the end of 31328(a)(3) and inserting ''or'' at the end of 31328(a)(4); and

(2) by adding at the end a new subparagraph as follows:

''(5) is a person eligible to own a documented vessel under chapter 121 of this title.''.

(c) LEASE FINANCING.—Section 12106 of title 46, United States Code, is amended by adding at the end the following new subsections:

''(e)(1) A certificate of documentation for a vessel may be endorsed with a coastwise endorsement if—

''(A) the vessel is eligible for documentation under section 12102;

''(B) the person that owns the vessel, a parent entity of that person, or a subsidiary of a parent entity of that person, is engaged in lease financing;

''(C) the vessel is under a demise charter to a person qualifying as a citizen of the United States for engaging in the coastwise trade under section 2 of the Shipping Act, 1916;

''(D) the demise charter is for—

''(i) a period of at least 3 years; or

''(ii) a shorter period as may be prescribed by the Secretary; and

''(E) the vessel is otherwise qualified under this section to be employed in the coastwise trade.

''(2) Upon default by a bareboat charterer of a demise charter required under paragraph

(1)(D), the coastwise endorsement of the vessel may, in the sole discretion of the Secretary, be continued after the termination for default of the demise charter for a period not to exceed 6 months on terms and conditions as the Secretary may prescribe.

''(3) For purposes of section 2 of the Shipping Act, 1916, and section 12102(a) of this title, a vessel meeting the criteria of subsection is deemed to be owned exclusively by citizens of the United States.''.

(d) CONFORMING AMENDMENT.—Section 9(c) of the Shipping Act, 1916, as amended (46 App. U.S.C. 808(c)) is amended by inserting ''12106(e),'' after the word ''sections'' and before 31322(a)(1)(D).

SEC. 410. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available under this Act should be American-made.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the official responsible for providing the assistance, to the greatest extent practicable, shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 411. SPECIAL SELECTION BOARDS.

(a) REQUIREMENT.—Chapter 21 of title 14, United States Code, is amended by adding at the end the following new section:

''§ 747. Special selection boards

''(a) The Secretary shall provide for special selection boards to consider the case of any officer who is eligible for promotion who—

''(1) was not considered for selection for promotion by a selection board because of administrative error; or

''(2) was considered for selection for promotion by a selection board but not selected because—

''(A) the action of the board that considered the officer was contrary to law or involved a material error of fact or material administrative error; or

''(B) the board that considered the officer did not have before it for its consideration material information.

''(b) Not later than 6 months after the date of the enactment of the Coast Guard Authorization Act For Fiscal Year 1996, the Secretary shall issue regulations to implement this section. The regulations shall conform, as appropriate, to the regulations and procedures issued by the Secretary of Defense for special selection boards under section 628 of title 10, United States Code.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 21 of title 14, United States Code, is amended by adding after the item for section 746 the following:

''747. Special selection boards.''.

SEC. 412. AVAILABILITY OF EXTRAJUDICIAL REMEDIES FOR DEFAULT ON PREFERRED MORTGAGE LIENS ON VESSELS.

(a) AVAILABILITY OF EXTRAJUDICIAL REMEDIES.—Section 31325(b) of title 46, United States Code, is amended—

(1) in the matter preceding paragraph (1) by striking ''mortgage may'' and inserting ''mortgagee may'';

(2) in paragraph (1) by—

(A) striking ''perferred'' and inserting ''preferred''; and

(B) striking ''; and'' and inserting a semicolon; and

(3) by adding at the end the following:

''(3) enforce the preferred mortgage lien or a claim for the outstanding indebtedness secured by the mortgaged vessel, or both, by exercising any other remedy (including an extrajudicial remedy) against a documented vessel, a vessel for which an application for documentation is filed under chapter 121 of this title, a foreign vessel, or a mortgagor, maker, comaker, or guarantor for the amount of the outstanding indebtedness or any deficiency in full payment of that indebtedness, if—

''(A) the remedy is allowed under applicable law; and

''(B) the exercise of the remedy will not result in a violation of section 9 or 37 of the Shipping Act, 1916 (46 App. U.S.C. 808, 835).''.

(b) NOTICE.—Section 31325 of title 46, United States Code, is further amended by adding at the end the following:

''(f)(1) Before title to the documented vessel or vessel for which an application for documentation is filed under chapter 121 is transferred by an extrajudicial remedy, the person exercising the remedy shall give notice of the proposed transfer to the Secretary, to the mortgagee of any mortgage on the vessel filed in substantial compliance with section 31321 of this title before notice of the proposed transfer is given to the Secretary, and to any person that recorded a notice of a claim of an undischarged lien on the vessel under section 31343(a) or (d) of this title before notice of the proposed transfer is given to the Secretary.

''(2) Failure to give notice as required by this subsection shall not affect the transfer of title to a vessel. However, the rights of any holder of a maritime lien or a preferred mortgage on the vessel shall not be affected by a transfer of title by an extrajudicial remedy exercised under this section, regardless of whether notice is required by this subsection or given.

''(3) The Secretary shall prescribe regulations establishing the time and manner for providing notice under this subsection.''.

(c) RULE OF CONSTRUCTION.—The amendments made by subsections (a) and (b) may not be construed to imply that remedies other than judicial remedies were not available before the date of enactment of this section to enforce claims for outstanding indebtedness secured by mortgaged vessels.

SEC. 413. IMPLEMENTATION OF WATER POLLUTION LAWS WITH RESPECT TO VEGETABLE OIL.

(a) DIFFERENTIATION AMONG FATS, OILS, AND GREASES.—

(1) IN GENERAL.—In issuing or enforcing a regulation, an interpretation, or a guideline relating to a fat, oil, or grease under a Federal law related to water pollution control, the head of a Federal agency shall—

(A) differentiate between and establish separate classes for—

(i)(I) animal fats; and

(II) vegetable oils; and

(ii) other oils, including petroleum oil; and

(B) apply different standards to different classes of fat and oil as provided in paragraph (2).

(2) CONSIDERATIONS.—In differentiating between the classes of animal fats and vegetable oils referred to in paragraph (1)(A)(i) and the classes of oils described in paragraph (1)(A)(ii), the head of a Federal agency shall consider differences in physical, chemical, biological, and other properties, and in the environmental effects, of the classes.

(b) FINANCIAL RESPONSIBILITY.—

(1) LIMITS ON LIABILITY.—Section 1004(a)(1) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(1)) is amended by striking ''for a tank vessel,'' and inserting ''for a tank vessel carrying oil in bulk as cargo or cargo residue (except a tank vessel on which the only oil carried is an animal fat or vegetable oil, as those terms are defined in section 413(c) of the Coast Guard Authorization Act for Fiscal Year 1996),''.

(2) FINANCIAL RESPONSIBILITY.—The first sentence of section 1016(a) of the Act (33 U.S.C. 2716(a)) is amended by striking '', in the case of a tank vessel, the responsible party could be subject under section 1004(a)(1) or (d) of this Act, or to which, in the case of any other vessel, the responsible party could be subjected under section 1004(a)(2) or (d)'' and inserting ''the responsible party could be subjected under section 1004(a) or (d) of this Act''.

(c) DEFINITIONS.—In this section, the following definitions apply:

(1) ANIMAL FAT.—The term ''animal fat'' means each type of animal fat, oil, or grease, including fat, oil, or grease from fish or a marine mammal and any fat, oil, or grease referred to in section 61(a)(2) of title 13, United States Code.

(2) VEGETABLE OIL.—The term ''vegetable oil'' means each type of vegetable oil, including vegetable oil from a seed, nut, or kernel and any vegetable oil referred to in section 61(a)(1) of title 13, United States Code.

SEC. 414. CERTAIN INFORMATION FROM MARINE CASUALTY INVESTIGATIONS BARRED IN LEGAL PROCEEDINGS.

(a) IN GENERAL.—Title 46, United States Code, is amended by inserting after section 6307 the following new section:

''§ 6308. Information barred in legal proceedings

''(a) Notwithstanding any other provision of law, any opinion, recommendation, deliberation, or conclusion contained in a report of a marine casualty investigation conducted under section 6301 of this title with respect to the cause of, or factors contributing to, the casualty set forth in the report of the investigation is not admissible as evidence or subject to discovery in any civil, administrative, or State criminal proceeding arising from a marine casualty, other than with the permission and consent of the Secretary of Transportation, in his or her sole discretion. Any employee of the United States or military member of the Coast Guard investigating a marine casualty or assisting in any such investigation conducted pursuant to section 6301 of this title, shall not be subject to deposition or other discovery, or otherwise testify or give information in such proceedings relevant to a marine casualty investigation, without the permission and consent of the Secretary of Transportation in his or her sole discretion. In exercising this discretion in cases where the United States is a party, the Secretary shall not withhold permission for an employee to testify solely on factual matters where the information is not available elsewhere or is not obtainable by other means. Nothing in this section prohibits the United States from calling an employee as an expert witness to testify on its behalf.

''(b) The information referred to in subsection (a) of this section shall not be considered an admission of liability by the United States or by any person referred to in those conclusions or statements.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 63 of title 46, United States Code, is amended by adding after the item related to section 6307 the following:

''6308. Information barred in legal proceedings.''.

SEC. 415. REPORT ON LORAN–C REQUIREMENTS.

Not later than 6 months after the date of the enactment of this Act, the Secretary of Transportation shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science and Transportation of the Senate, prepared in consultation with users of the LORAN–C radionavigation system, defining the future

use of and funding for operations, maintenance, and upgrades of the LORAN–C radionavigation system. The report shall address the following:

(1) An appropriate timetable for transition from ground-based radionavigation technology after it is determined that satellite-based technology is available as a sole means of safe and efficient navigation.

(2) The need to ensure that LORAN–C technology purchased by the public before the year 2000 has a useful economic life.

(3) The benefits of fully utilizing the compatibilities of LORAN–C technology and satellite-based technology by all modes of transportation.

(4) The need for all agencies in the Department of Transportation and other relevant Federal agencies to share the Federal Government's costs related to LORAN–C technology.

SEC. 416. LIMITED DOUBLE HULL EXEMPTIONS.

Section 3703a(b) of title 46, United States Code, is amended by—

(1) striking ''or'' at the end of paragraph (2);

(2) striking the period at the end of paragraph (3) and inserting a semicolon; and

(3) adding at the end the following new paragraphs:

''(4) a vessel equipped with a double hull before August 12, 1992;

''(5) a barge of less than 2,000 gross tons that is primarily used to carry deck cargo and bulk fuel to Native villages (as that term is defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1601)) located on or adjacent to bays or rivers above 58 degrees north latitude; or

''(6) a vessel in the National Defense Reserve Fleet pursuant to section 11 of the Merchant Ship Sales Act of 1946 (50 App. U.S.C. 1744).''.

SEC. 417. OIL SPILL RESPONSE VESSELS.

(a) DEFINITION.—Section 2101 of title 46, United States Code, is amended—

(1) by redesignating paragraph (20a) as paragraph (20b); and

(2) by inserting after paragraph (20) the following new paragraph:

''(20a) 'oil spill response vessel' means a vessel that is designated in its certificate of inspection as such a vessel, or that is adapted to respond to a discharge of oil or a hazardous material.''.

(b) EXEMPTION FROM LIQUID BULK CARRIAGE REQUIREMENTS.—Section 3702 of title 46, United States Code, is amended by adding at the end the following new subsection:

''(f) This chapter does not apply to an oil spill response vessel if—

''(1) the vessel is used only in response-related activities; or

''(2) the vessel is—

''(A) not more than 500 gross tons;

''(B) designated in its certificate of inspection as an oil spill response vessel; and

''(C) engaged in response-related activities.''.

(c) MANNING.—Section 8104(p) of title 46, United States Code, is amended to read as follows:

''(p) The Secretary may prescribe the watchstanding requirements for an oil spill response vessel.''.

(d) MINIMUM NUMBER OF LICENSED INDIVIDUALS.—Section 8301(e) of title 46, United States Code, is amended to read as follows:

''(e) The Secretary may prescribe the minimum number of licensed individuals for an oil spill response vessel.''.

(e) MERCHANT MARINER DOCUMENT REQUIREMENTS.—Section 8701(a) of title 46, United States Code, is amended by striking ''and'' after the semicolon at the end of paragraph (7), by striking the period at the end of paragraph (8) and inserting ''; and'', and by adding at the end the following new paragraph:

''(9) the Secretary may prescribe the individuals required to hold a merchant mariner's document serving onboard an oil spill response vessel.''.

(f) EXEMPTION FROM TOWING VESSEL REQUIREMENT.—Section 8905 of title 46, United States Code, is amended by adding at the end the following new subsection:

''(c) Section 8904 of this title does not apply to an oil spill response vessel while engaged in oil spill response or training activities.''.

(g) INSPECTION REQUIREMENT.—Section 3301 of title 46, United States Code, is amended by adding at the end the following new paragraph:

''(14) oil spill response vessels.''.

SEC. 418. OFFSHORE FACILITY FINANCIAL RESPONSIBILITY REQUIREMENTS.

(a) DEFINITION OF RESPONSIBLE PARTY.—Section 1001(32)(C) of the Oil Pollution Act of 1990 (33 U.S.C. 2701(32)(C)) is amended by striking ''applicable State law or'' and inserting ''applicable State law relating to exploring for, producing, or transporting oil on submerged lands on the Outer Continental Shelf in accordance with a license or permit issued for such purpose, or under''.

(b) AMOUNT OF FINANCIAL RESPONSIBILITY.—Section 1016(c)(1) of the Oil Pollution Act of 1990 (33 U.S.C. 2716(c)(1)) is amended to read as follows:

''(1) IN GENERAL.—

''(A) EVIDENCE OF FINANCIAL RESPONSIBILITY REQUIRED.—Except as provided in paragraph (2), each responsible party with respect to an offshore facility described in section 1001(32)(C) located seaward of the line of ordinary low water along that portion of the coast that is in direct contact with the open sea and the line marking the seaward limit of inland waters that is—

''(i) used for exploring for, producing, or transporting oil; and

''(ii) has the capacity to transport, store, transfer, or otherwise handle more than 1,000 barrels of oil at any one time,

shall establish and maintain evidence of financial responsibility in the amount required under subparagraph (B) or (C), applicable.

''(B) AMOUNT REQUIRED GENERALLY.—Except as provided in subparagraph (C), for purposes of subparagraph (A) the amount of financial responsibility required is $35,000,000.

''(C) GREATER AMOUNT.—If the President determines that an amount of financial responsibility greater than the amount required by subparagraph (B) is necessary for an offshore facility, based on an assessment of the risk posed by the facility that includes consideration of the relative operational, environmental, human health, and other risks posed by the quantity or quality of oil that is transported, stored, transferred, or otherwise handled by the facility, the amount of financial responsibility required shall not exceed $150,000,000 determined by the President on the basis of clear and convincing evidence that the risks posed justify the greater amount.

''(D) MULTIPLE FACILITIES.—In a case in which a person is responsible for more than one facility subject to this subsection, evidence of financial responsibility need be established only to meet the amount applicable to the facility having the greatest financial responsibility requirement under this subsection.

''(E) GUARANTEE METHOD.—Except with respect of financial responsibility established by the guarantee method, subsection (f) shall not apply with respect to this subsection.''.

SEC. 419. MANNING AND WATCH REQUIREMENTS ON TOWING VESSELS ON THE GREAT LAKES.

(a) Section 8104(c) of title 46, United States Code, is amended—

(1) by striking ''or permitted''; and

(2) by inserting after ''day'' the following: ''or permitted to work more than 15 hours in any 24-hour period, or more than 36 hours in any 72-hour period''.

(b) Section 8104(e) of title 46, United States Code, is amended by striking ''subsections (c) and (d)'' and inserting ''subsection (d)''.

(c) Section 8104(g) of title 46, United States Code, is amended by striking ''(except a vessel to which subsection (c) of this section applies)''.

SEC. 420. LIMITATION ON APPLICATION OF CERTAIN LAWS TO LAKE TEXOMA.

(a) LIMITATION.—The laws administered by the Coast Guard relating to documentation or inspection of vessels or licensing or documentation of vessel operators do not apply to any small passenger vessel operating on Lake Texoma.

(b) DEFINITIONS.—In this section:

(1) The term ''Lake Texoma'' means the impoundment by that name on the Red River, located on the border between Oklahoma and Texas.

(2) The term ''small passenger vessel'' has the meaning given that term in section 2101 of title 46, United States Code.

SEC. 421. LIMITATION ON CONSOLIDATION OR RELOCATION OF HOUSTON AND GALVESTON MARINE SAFETY OFFICES.

The Secretary of Transportation may not consolidate or relocate the Coast Guard Marine Safety Offices in Galveston, Texas, and Houston, Texas.

SEC. 422. SENSE OF THE CONGRESS REGARDING FUNDING FOR COAST GUARD.

It is the sense of the Congress that in appropriating amounts for the Coast Guard, the Congress should appropriate amounts adequate to enable the Coast Guard to carry out all extraordinary functions and duties the Coast Guard is required to undertake in addition to its normal functions established by law.

SEC. 423. CONVEYANCE OF LIGHT STATION, MONTAUK POINT, NEW YORK.

(a) CONVEYANCE REQUIREMENT.—

(1) REQUIREMENT.—The Secretary of Transportation shall convey to the Montauk Historical Association in Montauk, New York, by an appropriate means of conveyance, all right, title, and interest of the United States in and to property comprising Light Station Montauk Point, located at Montauk, New York.

(2) DETERMINATION OF PROPERTY.—The Secretary may identify, describe, and determine the property to be conveyed pursuant to this section.

(b) TERMS OF CONVEYANCE.—

(1) IN GENERAL.—A conveyance of property pursuant to this section shall be made—

(A) without the payment of consideration; and

(B) subject to the conditions required by paragraphs (3) and (4) and such other terms and conditions as the Secretary may consider appropriate.

(2) REVERSIONARY INTEREST.—Any conveyance of property pursuant to this section shall be subject to the condition that all right, title, and interest in the Montauk Light Station shall immediately revert to the United States if the Montauk Light Station ceases to be maintained as a nonprofit center for public benefit for the interpretation and preservation of the material culture of the United States Coast Guard, the maritime history of Montauk, New York, and Native American and colonial history.

(3) MAINTENANCE OF NAVIGATION AND FUNCTIONS.—Any conveyance of property pursuant to this section shall be subject to such conditions as the Secretary considers to be necessary to assure that—

(A) the light, antennas, sound signal, and associated lighthouse equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States for as long as they are needed for this purpose;

(B) the Montauk Historical Association may not interfere or allow interference in any manner with such aids to navigation without express written permission from the United States;

(C) there is reserved to the United States the right to replace, or add any aids to navigation, or make any changes to the Montauk Lighthouse as may be necessary for navigation purposes;

(D) the United States shall have the right, at any time, to enter the property conveyed without notice for the purpose of maintaining navigation aids;

(E) the United States shall have an easement of access to such property for the purpose of maintaining the navigational aids in use on the property; and

(F) the Montauk Light Station shall revert to the United States at the end of the 30-day period beginning on any date on which the Secretary of Transportation provides written notice to the Montauk Historical Association that the Montauk Light Station is needed for national security purposes.

(4) MAINTENANCE OF LIGHT STATION.—Any conveyance of property under this section shall be subject to the condition that the Montauk Historical Association shall maintain the Montauk Light Station in accordance with the provisions of the National Historic Preservation Act (16 U.S.C. 470 et seq.) and other applicable laws.

(5) LIMITATION ON OBLIGATIONS OF MONTAUK HISTORICAL ASSOCIATION.—The Montauk Historical Association shall not have any obligation to maintain any active aid to navigation equipment on property conveyed pursuant to this section.

(c) DEFINITIONS.—For purposes of this section—

(1) the term ''Montauk Light Station'' means the Coast Guard light station known as the Light Station Montauk Point, located at Montauk, New York, including the keeper's dwellings, adjacent Coast Guard rights-of-way, the World War II submarine spotting tower, the lighthouse tower, and the paint locker; and

(2) the term ''Montauk Lighthouse'' means the Coast Guard lighthouse located at the Montauk Light Station.

SEC. 424. CONVEYANCE OF CAPE ANN LIGHTHOUSE, THACHERS ISLAND, MASSACHUSETTS.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Secretary of Transportation shall convey to the town of Rockport, Massachusetts, by an appropriate means of conveyance, all right, title, and interest of the United States in and to the property comprising the Cape Ann Lighthouse, located on Thachers Island, Massachusetts.

(2) IDENTIFICATION OF PROPERTY.—The Secretary may identify, describe, and determine the property to be conveyed pursuant to this subsection.

(b) TERMS OF CONVEYANCE.—

(1) IN GENERAL.—The conveyance of property pursuant to this section shall be made—

(A) without payment of consideration; and

(B) subject to the conditions required by paragraphs (3) and (4) and other terms and conditions the Secretary may consider appropriate.

(2) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to paragraph (1), the conveyance of property pursuant to this section shall be subject to the condition that all right, title, and interest in the Cape Ann Lighthouse shall immediately revert to the United States if the Cape Ann Lighthouse, or any part of the property—

(A) ceases to be used as a nonprofit center for the interpretation and preservation of maritime history;

(B) ceases to be maintained in a manner that ensures its present or future use as a Coast Guard aid to navigation; or

(C) ceases to be maintained in a manner consistent with the provisions of the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.).

(3) MAINTENANCE AND NAVIGATION FUNCTIONS.—The conveyance of property pursuant to this section shall be made subject to the conditions that the Secretary considers to be necessary to assure that—

(A) the lights, antennas, and associated equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States;

(B) the town of Rockport may not interfere or allow interference in any manner with aids to navigation without express written permission from the Secretary of Transportation;

(C) there is reserved to the United States the right to relocate, replace, or add any aid to navigation or make any changes to the Cape Ann Lighthouse as may be necessary for navigational purposes;

(D) the United States shall have the right, at any time, to enter the property without notice for the purpose of maintaining aids to navigation; and

(E) the United States shall have an easement of access to the property for the purpose of maintaining the aids to navigation in use on the property.

(4) OBLIGATION LIMITATION.—The town of Rockport is not required to maintain any active aid to navigation equipment on property conveyed pursuant to this section.

(5) PROPERTY TO BE MAINTAINED IN ACCORDANCE WITH CERTAIN LAWS.—The town of Rockport shall maintain the Cape Ann Lighthouse in accordance with the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), and other applicable laws.

(c) DEFINITIONS.—For purposes of this section, the term ''Cape Ann Lighthouse'' means the Coast Guard property located on Thachers Island, Massachusetts, except any historical artifact, including any lens or lantern, located on the property at or before the time of conveyance.

SEC. 425. AMENDMENTS TO JOHNSON ACT.

For purposes of section 5(b)(1)(A) of the Act of January 2, 1951 (15 U.S.C. 1175(b)(1)(A)), commonly known as the Johnson Act, a vessel on a voyage that begins in the territorial jurisdiction of the State of Indiana and that does not leave the territorial jurisdiction of the State of Indiana shall be considered to be a vessel that is not within the boundaries of any State or possession of the United States.

SEC. 426. TRANSFER OF COAST GUARD PROPERTY IN GOSNOLD, MASSACHUSETTS.

(a) CONVEYANCE REQUIREMENT.—The Secretary of Transportation may convey to the town of Gosnold, Massachusetts, without reimbursement and by no later than 120 days after the date of enactment of this Act, all right, title, and interest of the United States in and to the property known as the ''United States Coast Guard Cuttyhunk Boathouse and Wharf'', as described in subsection (c).

(b) CONDITIONS.—Any conveyance of property under subsection (a) shall be subject to the condition that the Coast Guard shall retain in perpetuity and at no cost—

(1) the right of access to, over, and through the boathouse, wharf, and land comprising the property at all times for the purpose of berthing vessels, including vessels belonging to members of the Coast Guard Auxiliary; and

(2) the right of ingress to and egress from the property for purposes of access to Coast Guard facilities and performance of Coast Guard functions.

(c) PROPERTY DESCRIBED.—The property referred to in subsection (a) is real property located in the town of Gosnold, Massachusetts (including all buildings, structures, equipment, and other improvements), as determined by the Secretary of Transportation.

SEC. 427. TRANSFER OF COAST GUARD PROPERTY IN NEW SHOREHAM, RHODE ISLAND.

(a) REQUIREMENT.—The Secretary of Transportation (or any other official having control over the property described in subsection (b)) shall expeditiously convey to the town of New Shoreham, Rhode Island, without consideration, all right, title, and interest of the United States in and to the property known as the United States Coast Guard Station Block Island, as described in subsection (b), subject to all easements and other interest in the property held by any other person.

(b) PROPERTY DESCRIBED.—The property referred to in subsection (a) is real property (including buildings and improvements) located on the west side of Block Island, Rhode Island, at the entrance to the Great Salt Pond and referred to in the books of the Tax Assessor of the town of New Shoreham, Rhode Island, as lots 10 and 12, comprising approximately 10.7 acres.

(c) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to subsection (a), any conveyance of property under subsection (a) shall be subject to the condition that all right, title, and interest in and to the property so conveyed shall immediately revert to the United States if the property, or any part thereof, ceases to be used by the town of New Shoreham, Rhode Island.

(d) INDEMNIFICATION FOR PREEXISTING ENVIRONMENTAL LIABILITIES.—Notwithstanding any conveyance of property under this section, after such conveyance the Secretary of Transportation shall indemnify the town of New Shoreham, Rhode Island, for any environmental liability arising from the property, that existed before the date of the conveyance.

SEC. 428. VESSEL DEEMED TO BE A RECREATIONAL VESSEL.

The vessel, an approximately 96 meter twin screw motor yacht for which construction commenced in October 1993 (to be named the LIMITLESS), is deemed to be a recreational vessel under chapter 43 of title 46, United States Code.

SEC. 429. REQUIREMENT FOR PROCUREMENT OF BUOY CHAIN.

(a) REQUIREMENT.—Chapter 5 of title 14, United States Code, is amended by adding at the end the following:

''§ 96. Procurement of buoy chain

''(a) The Coast Guard may not procure buoy chain—

''(1) that is not manufactured in the United States; or

''(2) substantially all of the components of which are not produced or manufactured in the United States.

''(b) For purposes of subsection (a)(2), substantially all of the components of a buoy chain shall be considered to be produced or

manufactured in the United States if the aggregate cost of the components thereof which are produced or manufactured in the United States is greater than the aggregate cost of the components thereof which are produced or manufactured outside the United States.

''(c) In this section—

''(1) the term 'buoy chain' means any chain, cable, or other device that is—

''(A) used to hold in place, by attachment to the bottom of a body of water, a floating aid to navigation; and

''(B) not more than 4 inches in diameter; and

''(2) the term 'manufacture' includes cutting, heat treating, quality control, welding (including the forging and shot blasting process), and testing.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 5 of title 14, United States Code, is amended by adding at the end the following:

''96. Procurement of buoy chain.''.

SEC. 430. CRUISE VESSEL TORT REFORM.

(a) Section 4283 of the Revised Statutes of the United States (46 App. 183), is amended by adding a new subsection (g) to read as follows:

''(g) In a suit by any person in which a shipowner, operator, or employer of a crew member is claimed to have direct or vicarious liability for medical malpractice or other tortious conduct occurring at a shoreside facility, or in which the damages sought are alleged to result from the referral to or treatment by any shoreside doctor, hospital, medical facility, or other health care provider, the shipowner, operator, or employer shall be entitled to rely upon any and all statutory limitations of liability applicable to the doctor, hospital, medical facility, or other health care provider in the State in which the shoreside medical care was provided.''.

(b) Section 4283b of the Revised Statutes of the United States (46 App. 183c) is amended by adding a new subsection to read as follows:

''(b) Subsection (a) shall not prohibit provisions or limitations in contracts, agreements, or ticket conditions of carriage with passengers which relieve a manager, agent, master, owner, or operator of a vessel from liability for infliction of emotional distress, mental suffering, or psychological injury so long as such provisions or limitations do not limit liability if the emotional distress, mental suffering, or psychological injury was—

''(1) the result of substantial physical injury to the claimant caused by the negligence or fault of the manager, agent, master, owner, or operator;

''(2) the result of the claimant having been at actual risk of substantial physical injury, which risk was caused by the negligence or fault of the manager, agent, master, owner, or operator; or

''(3) intentionally inflicted by the manager, agent, master, owner, or operator.''.

(c) Section 20 of chapter 153 of the Act of March 4, 1915 (46 App. 688) is amended by adding a new subsection to read as follows:

''(c) LIMITATION FOR CERTAIN ALIENS IN CASE OF CONTRACTUAL ALTERNATIVE FORUM.—

''(1) No action may be maintained under subsection (a) or under any other maritime law of the United States for maintenance and cure or for damages for the injury or death of a person who was not a citizen or permanent legal resident alien of the United States at the time of the incident giving rise to the action, if the incident giving rise to the action occurred while the person was employed on board a vessel documented other than under the laws of the United States, which vessel was owned by an entity organized other than under the laws of the United States or by a person who is not a citizen or permanent legal resident alien.

''(2) The provisions of paragraph (1) shall only apply if—

''(A) the incident giving rise to the action occurred while the person bringing the action was a party to a contract of employment or was subject to a collective bargaining agreement which, by its terms, provided for an exclusive forum for resolution of all such disputes or actions in a nation other than the United States, a remedy is available to the person under the laws of that nation, and the party seeking to dismiss an action under paragraph (1) is willing to stipulate to jurisdiction under the laws of such nation as to such incident; or

''(B) a remedy is available to the person bringing the action under the laws of the nation in which the person maintained citizenship or permanent residency at the time of the incident giving rise to the action and the party seeking to dismiss an action under paragraph (1) is willing to stipulate to jurisdiction under the laws of such nation as to such incident.

''(3) The provisions of paragraph (1) of this subsection shall not be interpreted to require a court in the United States to accept jurisdiction of any actions.''.

SEC. 431. LIMITATION ON FEES AND CHARGES WITH RESPECT TO FERRIES.

The Secretary of the department in which the Coast Guard is operating may not assess or collect any fee or charge with respect to a ferry. Notwithstanding any other provision of this Act, the Secretary is authorized to reduce expenditures in an amount equal to the fees or charges which are not collected or assessed as a result of this section.

TITLE V—COAST GUARD REGULATORY REFORM

SEC. 501. SHORT TITLE.

This title may be cited as the ''Coast Guard Regulatory Reform Act of 1995''.

SEC. 502. SAFETY MANAGEMENT.

(a) MANAGEMENT OF VESSELS.—Title 46, United States Code, is amended by adding after chapter 31 the following new chapter:

''CHAPTER 32—MANAGEMENT OF VESSELS

''§ 3201. Definitions

''In this chapter—

''(1) 'International Safety Management Code' has the same meaning given that term in chapter IX of the Annex to the International Convention for the Safety of Life at Sea, 1974;

''(2) 'responsible person' means—

''(A) the owner of a vessel to which this chapter applies; or

''(B) any other person that has—

''(i) assumed the responsibility for operation of a vessel to which this chapter applies from the owner; and

''(ii) agreed to assume with respect to the vessel responsibility for complying with all the requirements of this chapter and the regulations prescribed under this chapter;

''(3) 'vessel engaged on a foreign voyage' means a vessel to which this chapter applies—

''(A) arriving at a place under the jurisdiction of the United States from a place in a foreign country;

''(B) making a voyage between places outside the United States; or

''(C) departing from a place under the jurisdiction of the United States for a place in a foreign country.

''§ 3202. Application

''(a) MANDATORY APPLICATION.—This chapter applies to the following vessels engaged on a foreign voyage:

''(1) Beginning July 1, 1998—

''(A) a vessel transporting more than 12 passengers described in section 2101(21)(A) of this title; and

''(B) a tanker, bulk freight vessel, or high-speed freight vessel, of at least 500 gross tons.

''(2) Beginning July 1, 2002, a freight vessel and a mobile offshore drilling unit of at least 500 gross tons.

''(b) VOLUNTARY APPLICATION.—This chapter applies to a vessel not described in subsection (a) of this section if the owner of the vessel requests the Secretary to apply this chapter to the vessel.

''(c) EXCEPTION.—Except as provided in subsection (b) of this section, this chapter does not apply to—

''(1) a barge;

''(2) a recreational vessel not engaged in commercial service;

''(3) a fishing vessel;

''(4) a vessel operating on the Great Lakes or its tributary and connecting waters; or

''(5) a public vessel.

''§ 3203. Safety management system

''(a) IN GENERAL.—The Secretary shall prescribe regulations which establish a safety management system for responsible persons and vessels to which this chapter applies, including—

''(1) a safety and environmental protection policy;

''(2) instructions and procedures to ensure safe operation of those vessels and protection of the environment in compliance with international and United States law;

''(3) defined levels of authority and lines of communications between, and among, personnel on shore and on the vessel;

''(4) procedures for reporting accidents and nonconformities with this chapter;

''(5) procedures for preparing for and responding to emergency situations; and

''(6) procedures for internal audits and management reviews of the system.

''(b) COMPLIANCE WITH CODE.—Regulations prescribed under this section shall be consistent with the International Safety Management Code with respect to vessels engaged on a foreign voyage.

''§ 3204. Implementation of safety management system

''(a) SAFETY MANAGEMENT PLAN.—Each responsible person shall establish and submit to the Secretary for approval a safety management plan describing how that person and vessels of the person to which this chapter applies will comply with the regulations prescribed under section 3203(a) of this title.

''(b) APPROVAL.—Upon receipt of a safety management plan submitted under subsection (a), the Secretary shall review the plan and approve it if the Secretary determines that it is consistent with and will assist in implementing the safety management system established under section 3203.

''(c) PROHIBITION ON VESSEL OPERATION.—A vessel to which this chapter applies under section 3202(a) may not be operated without having on board a Safety Management Certificate and a copy of a Document of Compliance issued for the vessel under section 3205 of this title.

''§ 3205. Certification

''(a) ISSUANCE OF CERTIFICATE AND DOCUMENT.—After verifying that the responsible

person for a vessel to which this chapter applies and the vessel comply with the applicable requirements under this chapter, the Secretary shall issue for the vessel, on request of the responsible person, a Safety Management Certificate and a Document of Compliance.

''(b) MAINTENANCE OF CERTIFICATE AND DOCUMENT.—A Safety Management Certificate and a Document of Compliance issued for a vessel under this section shall be maintained by the responsible person for the vessel as required by the Secretary.

''(c) VERIFICATION OF COMPLIANCE.—The Secretary shall—

''(1) periodically review whether a responsible person having a safety management plan approved under section 3204(b) and each vessel to which the plan applies is complying with the plan; and

''(2) revoke the Secretary's approval of the plan and each Safety Management Certificate and Document of Compliance issued to the person for a vessel to which the plan applies, if the Secretary determines that the person or a vessel to which the plan applies has not complied with the plan.

''(d) ENFORCEMENT.—At the request of the Secretary, the Secretary of the Treasury shall withhold or revoke the clearance required by section 4197 of the Revised Statutes (46 App. U.S.C. 91) of a vessel that is subject to this chapter under section 3202(a) of this title or to the International Safety Management Code, if the vessel does not have on board a Safety Management Certificate and a copy of a Document of Compliance for the vessel. Clearance may be granted on filing a bond or other surety satisfactory to the Secretary.''.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of subtitle II of title 46, United States Code, is amended by inserting after the item relating to chapter 31 the following:

''32. Management of vessels ..... 3201''.

(c) STUDY.—

(1) STUDY.—The Secretary of Transportation shall conduct, in cooperation with the owners, charterers, and managing operators of vessels documented under chapter 121 of title 46, United States Code, and other interested persons, a study of the methods that may be used to implement and enforce the International Management Code for the Safe Operation of Ships and for Pollution Prevention under chapter IX of the Annex to the International Convention for the Safety of Life at Sea, 1974.

(2) REPORT.—The Secretary shall submit to the Congress a report of the results of the study required under paragraph (1) before the earlier of—

(A) the date that final regulations are prescribed under section 3203 of title 46, United States Code (as enacted by subsection (a)); or

(B) the date that is 1 year after the date of enactment of this Act.

SEC. 503. USE OF REPORTS, DOCUMENTS, RECORDS, AND EXAMINATIONS OF OTHER PERSONS.

(a) REPORTS, DOCUMENTS, AND RECORDS.—Chapter 31 of title 46, United States Code, is amended by adding the following new section:

''§ 3103. Use of reports, documents, and records

''The Secretary may rely, as evidence of compliance with this subtitle, on—

''(1) reports, documents, and records of other persons who have been determined by the Secretary to be reliable; and

''(2) other methods the Secretary has determined to be reliable.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 31 of title 46, United States Code, is amended by adding at the end the following:

''3103. Use of reports, documents, and records.''.

(c) EXAMINATIONS.—Section 3308 of title 46, United States Code, is amended by inserting ''or have examined'' after ''examine''.

SEC. 504. EQUIPMENT APPROVAL.

(a) IN GENERAL.—Section 3306(b) of title 46, United States Code, is amended to read as follows:

''(b)(1) Equipment and material subject to regulation under this section may not be used on any vessel without prior approval of the Secretary.

''(2) Except with respect to use on a public vessel, the Secretary may treat an approval of equipment or materials by a foreign government as approval by the Secretary for purposes of paragraph (1) if the Secretary determines that—

''(A) the design standards and testing procedures used by that government meet the requirements of the International Convention for the Safety of Life at Sea, 1974;

''(B) the approval of the equipment or material by the foreign government will secure the safety of individuals and property on board vessels subject to inspection; and

''(C) for lifesaving equipment, the foreign government—

''(i) has given equivalent treatment to approvals of lifesaving equipment by the Secretary; and

''(ii) otherwise ensures that lifesaving equipment approved by the Secretary may be used on vessels that are documented and subject to inspection under the laws of that country.''.

(b) FOREIGN APPROVALS.—The Secretary of Transportation, in consultation with other interested Federal agencies, shall work with foreign governments to have those governments approve the use of the same equipment and materials on vessels documented under the laws of those countries that the Secretary requires on United States documented vessels.

(c) TECHNICAL AMENDMENT.—Section 3306(a)(4) of title 46, United States Code, is amended by striking ''clauses (1)–(3)'' and inserting ''paragraphs (1), (2), and (3)''.

SEC. 505. FREQUENCY OF INSPECTION.

(a) FREQUENCY OF INSPECTION, GENERALLY.—Section 3307 of title 46, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking ''nautical school vessel'' and inserting '', nautical school vessel, and small passenger vessel allowed to carry more than 12 passengers on a foreign voyage''; and

(B) by adding ''and'' after the semicolon at the end;

(2) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(3) in paragraph (2) (as so redesignated), by striking ''2 years'' and inserting ''5 years''.

(b) CONFORMING AMENDMENT.—Section 3710(b) of title 46, United States Code, is amended by striking ''24 months'' and inserting ''5 years''.

SEC. 506. CERTIFICATE OF INSPECTION.

Section 3309(c) of title 46, United States Code, is amended by striking ''(but not more than 60 days)''.

SEC. 507. DELEGATION OF AUTHORITY OF SECRETARY TO CLASSIFICATION SOCIETIES.

(a) AUTHORITY TO DELEGATE.—Section 3316 of title 46, United States Code, is amended—

(1) by striking subsections (a) and (d);

(2) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively; and

(3) in subsection (b), as so redesignated, by—

(A) redesignating paragraph (2) as paragraph (3); and

(B) striking so much of the subsection as precedes paragraph (3), as so redesignated, and inserting the following:

''(b)(1) The Secretary may delegate to the American Bureau of Shipping or another classification society recognized by the Secretary as meeting acceptable standards for such a society, for a vessel documented or to be documented under chapter 121 of this title, the authority to—

''(A) review and approve plans required for issuing a certificate of inspection required by this part;

''(B) conduct inspections and examinations; and

''(C) issue a certificate of inspection required by this part and other related documents.

''(2) The Secretary may make a delegation under paragraph (1) to a foreign classification society only—

''(A) to the extent that the government of the foreign country in which the society is headquartered delegates authority and provides access to the American Bureau of Shipping to inspect, certify, and provide related services to vessels documented in that country; and

''(B) if the foreign classification society has offices and maintains records in the United States.''.

(b) CONFORMING AMENDMENTS.—

(1) The heading for section 3316 of title 46, United States Code, is amended to read as follows:

''§ 3316. Classification societies''.

(2) The table of sections for chapter 33 of title 46, United States Code, is amended by striking the item relating to section 3316 and inserting the following:

''3316. Classification societies.''.

TITLE VI—DOCUMENTATION OF VESSELS

SEC. 601. AUTHORITY TO ISSUE COASTWISE ENDORSEMENTS.

Section 12106 of title 46, United States Code, is further amended by adding at the end the following new subsection:

''(g) A coastwise endorsement may be issued for a vessel that—

''(1) is less than 200 gross tons;

''(2) is eligible for documentation;

''(3) was built in the United States; and

''(4) was—

''(A) sold foreign in whole or in part; or

''(B) placed under foreign registry.''.

SEC. 602. VESSEL DOCUMENTATION FOR CHARITY CRUISES.

(a) AUTHORITY TO DOCUMENT VESSELS.—

(1) IN GENERAL.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886 (46 App. U.S.C. 289), and section 12106 of title 46, United States Code, and subject to paragraph (2), the Secretary of Transportation may issue a certificate of documentation with a coastwise endorsement for each of the following vessels:

(A) GALLANT LADY (Feadship hull number 645, approximately 130 feet in length).

(B) GALLANT LADY (Feadship hull number 651, approximately 172 feet in length).

(2) LIMITATION ON OPERATION.—Coastwise trade authorized under a certificate of documentation issued for a vessel under this section shall be limited to carriage of passengers in association with contributions to charitable organizations no portion of which is received, directly or indirectly, by the owner of the vessel.

(3) CONDITION.—The Secretary may not issue any certificate of documentation under paragraph (1) unless the owner of the vessel referred to in paragraph (1)(A) (in this section referred to as the ''owner''), within 90 days after the date of the enactment of this Act, submits to the Secretary a letter expressing the intent of the owner to enter into a contract before October 1, 1996, for construction in the United States of a passenger vessel of at least 130 feet in length.

(4) EFFECTIVE DATE OF CERTIFICATES.—A certificate of documentation issued under paragraph (1)—

(A) for the vessel referred to in paragraph (1)(A), shall take effect on the date of issuance of the certificate; and

(B) for the vessel referred to in paragraph (1)(B), shall take effect on the date of delivery of the vessel to the owner.

(b) TERMINATION OF EFFECTIVENESS OF CERTIFICATES.—A certificate of documentation issued for a vessel under section (a)(1) shall expire—

(1) on the date of the sale of the vessel by the owner;

(2) on October 1, 1996, if the owner has not entered into a contract for construction of a vessel in accordance with the letter of intent submitted to the Secretary under subsection (a)(3); and

(3) on any date on which such a contract is breached, rescinded, or terminated (other than for completion of performance of the contract) by the owner.

SEC. 603. EXTENSION OF DEADLINE FOR CONVERSION OF VESSEL M/V TWIN DRILL.

Section 601(d) of Public Law 103–206 (107 Stat. 2445) is amended—

(1) in paragraph (3), by striking ''1995'' and inserting ''1996''; and

(2) in paragraph (4), by striking ''12'' and inserting ''24''.

SEC. 604. DOCUMENTATION OF VESSEL RAINBOW'S END.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886 (46 App. U.S.C. 289), and sections 12106, 12107, and 12108 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsements for employment in the coastwise trade, Great Lakes trade, and the fisheries for the vessel RAINBOW'S END (official number 1026899; hull identification number MY13708C787).

SEC. 605. DOCUMENTATION OF VESSEL GLEAM.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886 (46 App. U.S.C. 289), and section 12106 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel GLEAM (United States official number 921594).

SEC. 606. DOCUMENTATION OF VARIOUS VESSELS.

(a) IN GENERAL.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886 (46 App. U.S.C. 289), the Act of May 28, 1906 (46 App. U.S.C. 292), and sections 12106, 12107, and 12108 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with appropriate endorsements for each of the vessels listed in subsection (b).

(b) VESSELS DESCRIBED.—The vessels referred to in subsection (a) are the following:

(1) ANNAPOLIS (United States official number 999008).

(2) CHESAPEAKE (United States official number 999010).

(3) CONSORT (United States official number 999005).

(4) CURTIS BAY (United States official number 999007).

(5) HAMPTON ROADS (United States official number 999009).

(6) JAMESTOWN (United States official number 999006).

(7) 2 barges owned by Roen Salvage (a corporation organized under the laws of the State of Wisconsin) and numbered by that company as barge 103 and barge 203.

(8) RATTLESNAKE (Canadian registry official number 802702).

(9) CAROLYN (Tennessee State registration number TN1765C).

(10) SMALLEY (6808 Amphibious Dredge, Florida State registration number FL1855FF).

(11) BEULA LEE (United States official number 928211).

(12) FINESSE (Florida State official number 7148HA).

(13) WESTEJORD (Hull Identification Number X–53–109).

(14) MAGIC CARPET (United States official number 278971).

(15) AURA (United States official number 1027807).

(16) ABORIGINAL (United States official number 942118).

(17) ISABELLE (United States official number 600655).

(18) 3 barges owned by the Harbor Marine Corporation (a corporation organized under the laws of the State of Rhode Island) and referred to by that company as Harbor 221, Harbor 223, and Gene Elizabeth.

(19) SHAMROCK V (United States official number 900936).

(20) ENDEAVOUR (United States official number 947869).

(21) CHRISSY (State of Maine registration number 4778B).

(22) EAGLE MAR (United States official number 575349).

SEC. 607. DOCUMENTATION OF 4 BARGES.

(a) IN GENERAL.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), section 1 of the Act of May 28, 1906 (46 App. U.S.C. 292), and section 12106 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsements for each of the vessels listed in subsection (b).

(b) VESSELS DESCRIBED.—The vessels referred to in subsection (a) are 4 barges owned by McLean Contracting Company (a corporation organized under the laws of the State of Maryland) and numbered by that company as follows:

(1) Barge 76 (official number 1030612).

(2) Barge 77 (official number 1030613).

(3) Barge 78 (official number 1030614).

(4) Barge 100 (official number 1030615).

SEC. 608. LIMITED WAIVER FOR ENCHANTED ISLE AND ENCHANTED SEAS.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886 (46 App. U.S.C. 289), section 12106 of title 46, United States Code, section 506 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1156), and any agreement with the United States Government, the Secretary of Transportation may issue a certificate of documentation with a coastwise endorsement for the vessels ENCHANTED ISLE (Panamanian official number 14087–84B) and ENCHANTED SEAS (Panamanian official number 14064–84D), except that the vessels may not operate between or among islands in the State of Hawaii.

SEC. 609. LIMITED WAIVER FOR MV PLATTE.

Notwithstanding any other law or any agreement with the United States Government, the vessel MV PLATTE (ex-SPIRIT OF TEXAS) (United States official number 653210) may be sold to a person that is not a citizen of the United States and transferred to or placed under a foreign registry.

TITLE VII—TECHNICAL AND CONFORMING AMENDMENTS

SEC. 701. AMENDMENT OF INLAND NAVIGATION RULES.

Section 2 of the Inland Navigational Rules Act of 1980 is amended—

(1) by amending Rule 9(e)(i) (33 U.S.C. 2009(e)(i)) to read as follows:

''(i) In a narrow channel or fairway when overtaking, the power-driven vessel intending to overtake another power-driven vessel shall indicate her intention by sounding the appropriate signal prescribed in Rule 34(c) and take steps to permit safe passing. The power-driven vessel being overtaken, if in agreement, shall sound the same signal and may, if specifically agreed to take steps to permit safe passing. If in doubt she shall sound the danger signal prescribed in Rule 34(d).'';

(2) in Rule 15(b) (33 U.S.C. 2015(b)) by inserting ''power-driven'' after ''Secretary, a'';

(3) in Rule 23(a)(i) (33 U.S.C. 2023(a)(i)) after ''masthead light forward''; by striking ''except that a vessel of less than 20 meters in length need not exhibit this light forward of amidships but shall exhibit it as far forward as is practicable;'';

(4) by amending Rule 24(f) (33 U.S.C. 2024(f)) to read as follows:

''(f) Provided that any number of vessels being towed alongside or pushed in a group shall be lighted as one vessel, except as provided in paragraph (iii)—

''(i) a vessel being pushed ahead, not being part of a composite unit, shall exhibit at the forward end, sidelights and a special flashing light;

''(ii) a vessel being towed alongside shall exhibit a sternlight and at the forward end, sidelights and a special flashing light; and

''(iii) when vessels are towed alongside on both sides of the towing vessels a stern light shall be exhibited on the stern of the outboard vessel on each side of the towing vessel, and a single set of sidelights as far forward and as far outboard as is practicable, and a single special flashing light.'';

(5) in Rule 26 (33 U.S.C 2026)—

(A) in each of subsections (b)(i) and (c)(i) by striking ''a vessel of less than 20 meters in length may instead of this shape exhibit a basket;''; and

(B) by amending subsection (d) to read as follows:

''(d) The additional signals described in Annex II to these Rules apply to a vessel engaged in fishing in close proximity to other vessels engaged in fishing.''; and

(6) by amending Rule 34(h) (33 U.S.C. 2034) to read as follows:

''(h) A vessel that reaches agreement with another vessel in a head-on, crossing, or overtaking situation, as for example, by using the radiotelephone as prescribed by the Vessel Bridge-to-Bridge Radiotelephone Act (85 Stat. 164; 33 U.S.C. 1201 et seq.), is not obliged to sound the whistle signals prescribed by this rule, but may do so. If agreement is not reached, then whistle signals shall be exchanged in a timely manner and shall prevail.''.

SEC. 702. MEASUREMENT OF VESSELS.

Section 14104 of title 46, United States Code, is amended by redesignating the existing text after the section heading as subsection (a) and by adding at the end the following new subsection:

''(b) If a statute allows for an alternate tonnage to be prescribed under this section, the Secretary may prescribe it by regulation. The alternate tonnage shall, to the maximum extent possible, be equivalent to the statutorily established tonnage. Until an alternate tonnage is prescribed, the statutorily established tonnage shall apply to vessels measured under chapter 143 or chapter 145 of this title.''.

SEC. 703. LONGSHORE AND HARBOR WORKERS COMPENSATION.

Section 3(d)(3)(B) of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 903(d)(3)(B)) is amended by inserting after ''1,600 tons gross'' the following: ''as measured under section 14502 of title 46,

United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 704. RADIOTELEPHONE REQUIREMENTS.

Section 4(a)(2) of the Vessel Bridge-to-Bridge Radiotelephone Act (33 U.S.C. 1203(a)(2)) is amended by inserting after ''one hundred gross tons'' the following ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title,''.

SEC. 705. VESSEL OPERATING REQUIREMENTS.

Section 4(a)(3) of the Ports and Waterways Safety Act (33 U.S.C. 1223(a)(3)) is amended by inserting after ''300 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 706. MERCHANT MARINE ACT, 1920.

Section 27A of the Merchant Marine Act, 1920 (46 U.S.C. App. 883–1), is amended by inserting after ''five hundred gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title,''.

SEC. 707. MERCHANT MARINE ACT, 1956.

Section 2 of the Act of June 14, 1956 (46 U.S.C. App. 883a), is amended by inserting after ''five hundred gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 708. MARITIME EDUCATION AND TRAINING.

Section 1302(4)(A) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1295a(4)(a)) is amended by inserting after ''1,000 gross tons or more'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 709. GENERAL DEFINITIONS.

Section 2101 of title 46, United States Code, is amended—

(1) in paragraph (13), by inserting after ''15 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(2) in paragraph (13a), by inserting after ''3,500 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(3) in paragraph (19), by inserting after ''500 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(4) in paragraph (22), by inserting after ''100 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(5) in paragraph (30)(A), by inserting after ''500 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(6) in paragraph (32), by inserting after ''100 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(7) in paragraph (33), by inserting after ''300 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(8) in paragraph (35), by inserting after ''100 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''; and

(9) in paragraph (42), by inserting after ''100 gross tons'' each place it appears, the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 710. AUTHORITY TO EXEMPT CERTAIN VESSELS.

Section 2113 of title 46, United States Code, is amended—

(1) in paragraph (4), by inserting after ''at least 100 gross tons but less than 300 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''; and

(2) in paragraph (5), by inserting after ''at least 100 gross tons but less than 500 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 711. INSPECTION OF VESSELS.

Section 3302 of title 46, United States Code, is amended—

(1) in subsection (c)(1), by inserting after ''5,000 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(2) in subsection (c)(2), by inserting after ''500 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(3) in subsection (c)(3), by inserting after ''500 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(4) in subsection (c)(4)(A), by inserting after ''500 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(5) in subsection (d)(1), by inserting after ''150 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(6) in subsection (i)(1)(A), by inserting after ''300 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''; and

(7) in subsection (j), by inserting after ''15 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 712. REGULATIONS.

Section 3306 of title 46, United States Code, is amended—

(1) in subsection (h), by inserting after ''at least 100 gross tons but less than 300 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''; and

(2) in subsection (i), by inserting after ''at least 100 gross tons but less than 500 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 713. PENALTIES—INSPECTION OF VESSELS.

Section 3318 of title 46, United States Code, is amended—

(1) in subsection (a), by inserting after ''100 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''; and

(2) in subsection (j)(1), by inserting after ''1,600 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 714. APPLICATION—TANK VESSELS.

Section 3702 of title 46, United States Code, is amended—

(1) in subsection (b)(1), by inserting after ''500 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(2) in subsection (c), by inserting after ''500 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''; and

(3) in subsection (d), by inserting after ''5,000 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 715. TANK VESSEL CONSTRUCTION STANDARDS.

Section 3703a of title 46, United States Code, is amended—

(1) in subsection (b)(2), by inserting after ''5,000 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(2) in subsection (c)(2), by inserting after ''5,000 gross tons'' each place it appears the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(3) in subsection (c)(3)(A), by inserting after ''15,000 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(4) in subsection (c)(3)(B), by inserting after ''30,000 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''; and

(5) in subsection (c)(3)(C), by inserting after ''30,000 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 716. TANKER MINIMUM STANDARDS.

Section 3707 of title 46, United States Code, is amended—

(1) in subsection (a), by inserting after ''10,000 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''; and

(2) in subsection (b), by inserting after ''10,000 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 717. SELF-PROPELLED TANK VESSEL MINIMUM STANDARDS.

Section 3708 of title 46, United States Code, is amended by inserting after ''10,000 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 718. DEFINITION—ABANDONMENT OF BARGES.

Section 4701(1) of title 46, United States Code, is amended by inserting after ''100 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 719. APPLICATION—LOAD LINES.

Section 5102(b) of title 46, United States Code, is amended—

(1) in paragraph (4), by inserting after ''5,000 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(2) in paragraph (5), by inserting after ''500 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''; and

(3) in paragraph (10), by inserting after ''150 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 720. LICENSING OF INDIVIDUALS.

Section 7101(e)(3) of title 46, United States Code, is amended by inserting after ''1,600 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 721. ABLE SEAMEN—LIMITED.

Section 7308 of title 46, United States Code, is amended by inserting after ''100 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 722. ABLE SEAMEN—OFFSHORE SUPPLY VESSELS.

Section 7310 of title 46, United States Code, is amended by inserting after ''500 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 723. SCALE OF EMPLOYMENT—ABLE SEAMEN.

Section 7312 of title 46, United States Code, is amended—

(1) in subsection (b), by inserting after ''1,600 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(2) in subsection (c)(1), by inserting after ''500 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(3) in subsection (d), by inserting after ''500 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(4) in subsection (f)(1), by inserting after ''5,000 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''; and

(5) in subsection (f)(2), by inserting after ''5,000 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 724. GENERAL REQUIREMENTS—ENGINE DEPARTMENT.

Section 7313(a) of title 46, United States Code, is amended by inserting after ''100 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 725. COMPLEMENT OF INSPECTED VESSELS.

Section 8101(h) of title 46, United States Code, is amended by inserting after ''100 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 726. WATCHMEN.

Section 8102(b) of title 46, United States Code, is amended by inserting after ''100 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 727. CITIZENSHIP AND NAVAL RESERVE REQUIREMENTS.

Section 8103(b)(3)(A) of title 46, United States Code, is amended by inserting after ''1,600 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 728. WATCHES.

Section 8104 of title 46, United States Code, is amended—

(1) in subsection (b), by inserting after ''100 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(2) in subsection (d), by inserting after ''100 gross tons'' and after ''5,000 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(3) in subsection (l)(1), by inserting after ''1,600 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(4) in subsection (m)(1), by inserting after ''1,600 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(5) in subsection (o)(1), by inserting after ''500 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''; and

(6) in subsection (o)(2), by inserting after ''500 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 729. MINIMUM NUMBER OF LICENSED INDIVIDUALS.

Section 8301 of title 46, United States Code, is amended—

(1) in subsection (a)(2), by inserting after ''1,000 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(2) in subsection (a)(3), by inserting after ''at least 200 gross tons but less than 1,000 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(3) in subsection (a)(4), by inserting after ''at least 100 gross tons but less than 200 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(4) in subsection (a)(5), by inserting after ''300 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed

by the Secretary under section 14104 of that title''; and

(5) in subsection (b), by inserting after ''200 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 730. OFFICERS' COMPETENCY CERTIFICATES CONVENTION.

Section 8304(b)(4) of title 46, United States Code, is amended by inserting after ''200 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 731. MERCHANT MARINERS' DOCUMENTS REQUIRED.

Section 8701 of title 46, United States Code, is amended—

(1) in subsection (a), by inserting after ''100 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''; and

(2) in subsection (a)(6), by inserting after ''1,600 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 732. CERTAIN CREW REQUIREMENTS.

Section 8702 of title 46, United States Code, is amended—

(1) in subsection (a), by inserting after ''100 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''; and

(2) in subsection (a)(6), by inserting after ''1,600 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 733. FREIGHT VESSELS.

Section 8901 of title 46, United States Code, is amended by inserting after ''100 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 734. EXEMPTIONS.

Section 8905(b) of title 46, United States Code, is amended by inserting after ''200 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 735. UNITED STATES REGISTERED PILOT SERVICE.

Section 9303(a)(2) of title 46, United States Code, is amended by inserting after ''4,000 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 736. DEFINITIONS—MERCHANT SEAMEN PROTECTION.

Section 10101(4)(B) of title 46, United States Code, is amended by inserting after ''1,600 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 737. APPLICATION—FOREIGN AND INTERCOASTAL VOYAGES.

Section 10301(a)(2) of title 46, United States Code, is amended by inserting after ''75 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 738. APPLICATION—COASTWISE VOYAGES.

Section 10501(a) of title 46, United States Code, is amended by inserting after ''50 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 739. FISHING AGREEMENTS.

Section 10601(a)(1) of title 46, United States Code, is amended by inserting after ''20 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 740. ACCOMMODATIONS FOR SEAMEN.

Section 11101(a) of title 46, United States Code, is amended by inserting after ''100 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 741. MEDICINE CHESTS.

Section 11102(a) of title 46, United States Code, is amended by inserting after ''75 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 742. LOGBOOK AND ENTRY REQUIREMENTS.

Section 11301(a)(2) of title 46, United States Code, is amended by inserting after ''100 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 743. COASTWISE ENDORSEMENTS.

Section 12106(c)(1) of title 46, United States Code, is amended by striking ''two hundred gross tons'' and inserting ''200 gross tons as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 744. FISHERY ENDORSEMENTS.

Section 12108(c)(1) of title 46, United States Code, is amended by striking ''two hundred gross tons'' and inserting ''200 gross tons as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 745. CLERICAL AMENDMENT.

Chapter 121 of title 46, United States Code, is amended—

(1) by striking the first section 12123; and

(2) in the table of sections at the beginning of the chapter by striking the first item relating to section 12123.

SEC. 746. REPEAL OF GREAT LAKES ENDORSEMENTS.

(a) REPEAL.—Section 12107 of title 46, United States Code, is repealed.

(b) CONFORMING AMENDMENTS.—

(1) The analysis at the beginning of chapter 121 of title 46, United States Code, is amended by striking the item relating to section 12107.

(2) Section 12101(b)(3) of title 46, United States Code, is repealed.

(3) Section 4370(a) of the Revised Statutes of the United States (46 App. U.S.C. 316(a)) is amended by striking ''or 12107''.

(4) Section 2793 of the Revised Statutes of the United States (46 App. U.S.C. 111, 123) is amended—

(A) by striking ''coastwise, Great Lakes endorsement'' and all that follows through ''foreign ports,'' and inserting ''registry endorsement, engaged in foreign trade on the Great Lakes or their tributary or connecting waters in trade with Canada,''; and

(B) by striking '', as if from or to foreign ports''.

SEC. 747. CONVENTION TONNAGE FOR LICENSES, CERTIFICATES, AND DOCUMENTS.

(a) AUTHORITY TO USE CONVENTION TONNAGE.—Chapter 75 of title 46, United States Code, is amended by adding at the end the following:

''§ 7506. Convention tonnage for licenses, certificates, and documents

''Notwithstanding any provision of section 14302(c) or 14305 of this title, the Secretary may—

''(1) evaluate the service of an individual who is applying for a license, a certificate of registry, or a merchant mariner's document by using the tonnage as measured under chapter 143 of this title for the vessels on which that service was acquired, and

''(2) issue the license, certificate, or document based on that service.''.

(b) CLERICAL AMENDMENT.—The analysis to chapter 75 of title 46, United States Code, is amended by adding a new item as follows:

''7506. Convention tonnage for licenses, certificates, and documents.''.

TITLE VIII—COAST GUARD AUXILIARY AMENDMENTS

SEC. 801. ADMINISTRATION OF THE COAST GUARD AUXILIARY.

(a) IN GENERAL.—Section 821 of title 14, United States Code, is amended to read as follows:

''§ 821. Administration of the Coast Guard Auxiliary

''(a) The Coast Guard Auxiliary is a nonmilitary organization administered by the Commandant under the direction of the Secretary. For command, control, and administrative purposes, the Auxiliary shall include such organizational elements and units as are approved by the Commandant, including but not limited to, a national board and staff (to be known as the 'Auxiliary headquarters unit'), districts, regions, divisions, flotillas, and other organizational elements and units. The Auxiliary organization and its officers shall have such rights, privileges, powers, and duties as may be granted to them by the Commandant, consistent with this title and other applicable provisions of law. The Commandant may delegate to officers of the Auxiliary the authority vested in the Commandant by this section, in the manner and to the extent the Commandant considers necessary or appropriate for the functioning, organization, and internal administration of the Auxiliary.

''(b) Each organizational element or unit of the Coast Guard Auxiliary organization (but excluding any corporation formed by an organizational element or unit of the Auxiliary under subsection (c) of this section), shall, except when acting outside the scope of section 822, at all times be deemed to be an instrumentality of the United States, for purposes of—

''(1) chapter 26 of title 28 (popularly known as the Federal Tort Claims Act);

''(2) section 2733 of title 10 (popularly known as the Military Claims Act);

''(3) the Act of March 3, 1925 (46 App. U.S.C. 781–790; popularly known as the Public Vessels Act);

''(4) the Act of March 9, 1920 (46 App. U.S.C. 741–752; popularly known as the Suits in Admiralty Act);

''(5) the Act of June 19, 1948 (46 App. U.S.C. 740; popularly known as the Admiralty Extension Act); and

''(6) other matters related to noncontractual civil liability.

''(c) The national board of the Auxiliary, and any Auxiliary district or region, may form a corporation under State law in accordance with policies established by the Commandant.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 23 of title 14, United States Code, is amended by striking the item relating to section 821, and inserting the following:

''821. Administration of the Coast Guard Auxiliary.''.

SEC. 802. PURPOSE OF THE COAST GUARD AUXILIARY.

(a) IN GENERAL.—Section 822 of title 14, United States Code, is amended to read as follows:

''§ 822. Purpose of the Coast Guard Auxiliary

''The purpose of the Auxiliary is to assist the Coast Guard as authorized by the Commandant, in performing any Coast Guard function, power, duty, role, mission, or operation authorized by law.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 23 of title 14, United States Code, is amended by striking the item relating to section 822 and inserting the following:

''822. Purpose of the Coast Guard Auxiliary.''.

SEC. 803. MEMBERS OF THE AUXILIARY; STATUS.

(a) IN GENERAL.—Section 823 of title 14, United States Code, is amended—

(1) in the heading by adding **", and status"** after **"enrollments"**;

(2) by inserting ''(a)'' before ''The Auxiliary''; and

(3) by adding at the end the following new subsections:

''(b) A member of the Coast Guard Auxiliary is not a Federal employee except for the following purposes:

''(1) Chapter 26 of title 28 (popularly known as the Federal Tort Claims Act).

''(2) Section 2733 of title 10 (popularly known as the Military Claims Act).

''(3) The Act of March 3, 1925 (46 App. U.S.C. 781–790; popularly known as the Public Vessel Act).

''(4) The Act of March 9, 1920 (46 App. U.S.C. 741–752; popularly known as the Suits in Admiralty Act).

''(5) The Act of June 19, 1948 (46 App. U.S.C. 740; popularly known as the Admiralty Extension Act).

''(6) Other matters related to noncontractual civil liability.

''(7) Compensation for work injuries under chapter 81 of title 5.

''(8) The resolution of claims relating to damage to or loss of personal property of the member incident to service under section 3721 of title 31 (popularly known as the Military Personnel and Civilian Employees' Claims Act of 1964).

''(c) A member of the Auxiliary, while assigned to duty, shall be deemed to be a person acting under an officer of the United States or an agency thereof for purposes of section 1442(a)(1) of title 28.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 23 of title 14, United States Code, is amended by striking the item relating to section 823 and inserting the following:

''823. Eligibility, enrollments, and status.''.

SEC. 804. ASSIGNMENT AND PERFORMANCE OF DUTIES.

(a) TRAVEL AND SUBSISTENCE EXPENSE.—Section 830(a) of title 14, United States Code, is amended by striking ''specific''.

(b) ASSIGNMENT OF GENERAL DUTIES.—Section 831 of title 14, United States Code, is amended by striking ''specific'' each place it appears.

(c) BENEFITS FOR INJURY OR DEATH.—Section 832 of title 14, United States Code, is amended by striking ''specific'' each place it appears.

SEC. 805. COOPERATION WITH OTHER AGENCIES, STATES, TERRITORIES, AND POLITICAL SUBDIVISIONS.

(a) IN GENERAL.—Section 141 of title 14, United States Code, is amended—

(1) by striking the section heading and inserting the following:

''§ 141. Cooperation with other agencies, States, territories, and political subdivisions";

(2) in the first sentence of subsection (a), by inserting after ''personnel and facilities'' the following: ''(including members of the Auxiliary and facilities governed under chapter 23)''; and

(3) by adding at the end of subsection (a) the following new sentence: ''The Commandant may prescribe conditions, including reimbursement, under which personnel and facilities may be provided under this subsection.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of title 14, United States Code, is amended by striking the item relating to section 141 and inserting the following:

''141. Cooperation with other agencies, States, territories, and political subdivisions.''.

SEC. 806. VESSEL DEEMED PUBLIC VESSEL.

Section 827 of title 14, United States Code, is amended to read as follows:

''§ 827. Vessel deemed public vessel

''While assigned to authorized Coast Guard duty, any motorboat or yacht shall be deemed to be a public vessel of the United States and a vessel of the Coast Guard within the meaning of sections 646 and 647 of this title and other applicable provisions of law.''.

SEC. 807. AIRCRAFT DEEMED PUBLIC AIRCRAFT.

Section 828 of title 14, United States Code, is amended to read as follows:

''§ 828. Aircraft deemed public aircraft

''While assigned to authorized Coast Guard duty, any aircraft shall be deemed to be a Coast Guard aircraft, a public vessel of the United States, and a vessel of the Coast Guard within the meaning of sections 646 and 647 of this title and other applicable provisions of law. Subject to the provisions of sections 823a and 831 of this title, while assigned to duty, qualified Auxiliary pilots shall be deemed to be Coast Guard pilots.''.

SEC. 808. DISPOSAL OF CERTAIN MATERIAL.

Section 641(a) of title 14, United States Code, is amended—

(1) by inserting after ''with or without charge,'' the following: ''to the Coast Guard Auxiliary, including any incorporated unit thereof,''; and

(2) by striking ''to any incorporated unit of the Coast Guard Auxiliary,''.

APPOINTMENT OF CONFEREES

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

COAST GUARD AUTHORIZATION ACT OF 1995 (S. 1004, AND HOUSE AMENDMENT THERETO)

From the Committee on Transportation and Infrastructure, for consideration of the Senate bill and the House amendment, and modifications committed to conference: Messrs. SHUSTER, YOUNG of Alaska, COBLE, Mrs. FOWLER, and Messrs. BAKER of California, OBERSTAR, CLEMENT, and POSHARD.

From the Committee on the Judiciary, for consideration of section 901 of the Senate bill, and section 430 of the House amendment, and modifications committed to conference: Messrs. HYDE, MCCOLLUM, and CONYERS.

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 491

Mr. GEJDENSEN. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 491. It was incorrectly placed as a cosponsor.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1202

Mr. TEJEDA. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1202.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. FAZIO of California asked and was given permission to address the House for 1 minute.)

Mr. FAZIO of California. Mr. Speaker, I yield to the gentleman from Illinois [Mr. HASTERT] in order to learn more about the schedule for next week.

Mr. HASTERT. I thank the gentleman for yielding.

Mr. Speaker, I am happy to announce that this vote marks the end of legislative business for the week.

When we return next week, the House will meet in pro forma session on Monday, March 4. Please be advised that there will be no legislative business and no votes that day.

On Tuesday, March 5, the House will meet at 9:30 a.m. for morning hour and 11 a.m. for legislative business. We plan to take up three bills under suspension of the rules: H.R. 2778, a bill to give special tax treatment to United States troops in Bosnia; H.R. 2853, a bill to extend most-favored-nation status to Bulgaria; and H.R. 497, the National Gambling Impact and Policy Commission Act.

Members should be advised that we do expect recorded votes sometime around 1:00 p.m. on Tuesday, March 5.

For the remainder of the week, we expect to consider the following bills, all of which will be subject to rules:

H.R. 994, the Small Business Growth and Administrative Accountability Act; the conference report for H.R. 927, the Cuban Liberty and Democratic Solidarity Act; a bill to Increase temporarily the public debt; an omnibus appropriations or continuing resolution for fiscal year 1996; and it is possible that we may consider a resolution allowing staff depositions in the investigation of the White House Travel Office.

On Tuesday, Wednesday, and Thursday, we hope to conclude legislative business between 7 and 8 p.m. And we should have Members on their way back home to their districts by 2 p.m. on Friday, March 8.

Mr. FAZIO of California. Mr. Speaker, if the gentleman would further elaborate. There is an assumption that we would have votes as early as 1 on Tuesday afternoon?

Mr. HASTERT. If the gentleman will further yield, the assumption here is that the votes could come as early as 1 on Tuesday.

Mr. FAZIO of California. Would it not be possible if we had three suspensions to roll any votes on those suspensions and perhaps delay a little longer than 1?

Mr. HASTERT. We will take it under advisement to roll those votes. Still even rolling those votes it may be 2.

Mr. FAZIO of California. It might not prolong the time, but I think Members would appreciate, particularly on a suspension, as much delay as possible before a vote would actually be called.

Mr. HASTERT. I can tell the gentleman from California that we will roll those votes, but we cannot guarantee that they will go much beyond 2.

Mr. FAZIO of California. Mr. Speaker, let me yield to my friend, the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Speaker, I can tell the gentleman from Illinois I have a little bit of a problem, looking at the schedule, because the last part of it says Tuesday, Wednesday, and Thursday, we hope to conclude legislative business between 7 and 8 p.m. That says Tuesday. What are we going to do after we do the three suspensions because that is all you have got listed for Tuesday?

Mr. HASTERT. We will go to the regulatory reform bill.

Mr. VOLKMER. We are going to do regulatory reform, and where is that on the schedule?

Mr. HASTERT. We will probably do the rule for the regulatory reform and then possibly get into the bill itself.

Mr. VOLKMER. Where is that on this schedule? The Small Business Growth and Administrative Accountability Act?

Mr. HASTERT. The name of the bill is H.R. 994, the Small Business Growth and Administrative Accountability Act.

Mr. VOLKMER. In other words, what is proposed we will first do, I guess it will be 1-minutes on Tuesday.

Mr. HASTERT. It will be 1-minutes.

Mr. VOLKMER. Then we will do the three suspensions. We will roll those. Then we will do those and then we will do the rule and then get into debate and see how far we can go on regulatory reform?

Mr. HASTERT. The gentleman is correct.

Mr. FAZIO of California. Mr. Speaker, if I can reclaim my time here just to confirm. There would be no further legislative business on Tuesday other than the regulatory reform bill that the gentleman mentioned, is that correct?

Mr. HASTERT. If the gentleman will yield further, at this time that is our assumption.

Mr. FAZIO of California. We would take up the rule, general debate, and perhaps consider the legislation, is that correct?

Mr. HASTERT. And amendments.

Mr. FAZIO of California. And all amendments thereto?

Mr. HASTERT. That is right.

Mr. FAZIO of California. Does the gentleman know what kind of rule we might anticipate?

□ 1615

Mr. HASTERT. The Committee on Rules will be meeting this afternoon, and we will have the rule out later this afternoon.

Mr. FAZIO of California. We have no idea, really, how many amendments might be in order, whether an open rule would be required, but it would probably fill up the afternoon?

Mr. HASTERT. We expect it to be an open rule, yes.

Mr. VOLKMER. On the schedule, I appreciate that, because the way I read this, I did not see that in it.

Mr. HASTERT. I understand.

Mr. VOLKMER. Now we know why we are going to be here between 7 and 8. On the bill to increase temporarily the public debt, do you have any idea what date? Will that be a Wednesday or Thursday?

Mr. HASTERT. It could be Wednesday or could be Thursday.

Mr. VOLKMER. Do you know whether or not that would have an open rule, or would that be a closed rule like all of the other ones have been?

Mr. HASTERT. I would say that that bill probably will be a closed rule.

Mr. VOLKMER. The appropriation for continuing resolution, well, first let me ask this: The public debt, let us see, tomorrow is March 1, is it not?

Mr. HASTERT. Tomorrow is March 1.

Mr. VOLKMER. My understanding from earlier discussions with the leadership back before we recessed that we would be doing this by March 1.

Mr. HASTERT. That, plus we passed a piece of legislation that dealt with Social Security that said we could deal with it later than March 1.

Mr. VOLKMER. That is a firm schedule to do it next week?

The continuing resolution, instead of waiting until March 5, you are proposing to do that also next week? Is that correct?

Mr. HASTERT. We are proposing to do a continuing resolution or an omnibus appropriation next week.

Mr. VOLKMER. Right. But that would take care of those that expire on March 15? Is that correct?

Mr. HASTERT. That is our assumption.

Mr. VOLKMER. And would that continuing resolution or appropriation bill, whatever we want to call it, is that going to be for the rest of the fiscal year then? Is that going to be for another 2 or 3 months?

Mr. HASTERT. We are in negotiations with the White House, staff to staff, and intend that that will be on a higher level when those negotiations are finished. I think that result will show in the bill.

Mr. VOLKMER. I have been busy with the farm bill the last 2 days. There may have been announcements on this floor that I have missed. So has there been an announcement by the Committee on Rules on what we call the regulatory reform bill or the Accountability Act that amendments had to be to the Committee on Rules before today so Members knew if they had amendments to this bill, they had to have them in?

Mr. HASTERT. They just filed the rule, sir, and it is an open rule.

Mr. VOLKMER. It is an open rule?

Mr. HASTERT. Yes.

Mr. FAZIO of California. I thank the gentleman from Missouri [Mr. VOLKMER]. I think he has pretty much covered the issues that need to be covered.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. FUNDERBURK. Mr. Speaker, I ask unanimous consent that the business in order under the calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore (Mr. NETHERCUTT). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

ADJOURNMENT TO MONDAY, MARCH 4, 1996

Mr. FUNDERBURK. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

PERMISSION TO HAVE UNTIL 5 P.M., FRIDAY, MARCH 1, 1996, TO FILE CONFERENCE REPORT ON H.R. 927, CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY (LIBERTAD) ACT OF 1995

Mr. FUNDERBURK. Mr. Speaker, I ask unanimous consent that the managers on the part of the House have

until 5 p.m. tomorrow, Friday, March 1, 1996, to file the conference report accompanying H.R. 927, the Cuban Liberty and Democratic Solidarity (Libertad) Act of 1995.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 1-minute requests.

DAIRY FARMERS FACING FINANCIAL PROBLEMS

(Mr. SANDERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SANDERS. Mr. Speaker, the family dairy farmers in Vermont and throughout this country are facing disastrous financial problems. While consumer milk prices have been going up, the price that the dairy farmer receives has been going down.

Adjusted for inflation, the price Vermont dairy farmers receive has dropped 50 percent over the last 15 years. No wonder that today there are fewer than 2,000 dairy farms left in Vermont, and more and more of them are going out of business.

Tragically, none of the proposals that we were permitted to vote on during the farm bill provided for a significant increase in dairy farm income. In fact, the proposal that was passed threatens to actually lower the price that farmers receive.

Mr. Speaker, in an effort to save the family farm, the six New England States each have passed the Northeast dairy contract, which finally would provide dairy farmers a fair price for their product.

In the final Senate bill, if the final Senate bill contains the Northeast dairy compact, this House must support that provision in the conference report. To do less would be to allow New England dairy farmers to disappear.

PROMISES MADE, PROMISES BROKEN

(Mr. DOGGETT asked and was given permission to address the House for 1 minute.)

Mr. DOGGETT. Mr. Speaker, promises made, promises broken, the true motto of this failed Republican Congress.

One would think that at least here on Leap Day once every 4 years, Speaker GINGRICH could keep his promises. But, no, indeed, when one turns to a letter written the first day of this month, Speaker GINGRICH, Mr. DOLE, and Mr. ARMEY all wrote President Clinton saying, ''Your administration has communicated to us that action must be taken by February 29 to ensure there is no default. Congressional Republicans are committed to act by this date in a manner that is acceptable to you and the Congress in order to guarantee the Government does not default on its obligations.''

Where is their action? It is not here on Leap Day. Next week we are going to talk about most-favored-nation treatment for Bulgaria, and they have yet to resolve the question of whether we will protect the full faith and credit of this country.

Promises made, promises broken, and the American working people are the ones who are going to have to pay the price for this failure unless we can turn this country and this Congress around.

BRING UP A CLEAN DEBT CEILING BILL

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, I want to follow up on what my colleague from Texas said.

It is, in fact, true that the commitment was made that as of today the debt ceiling would be extended so that this country would not go into default. And I know we have heard previously, well, that deadline can be extended a couple of weeks because of legislation that has passed this House.

But the bottom line is what we are seeing here again is the same thing we saw with the Government shutdown. The Republican leadership wants to hold this Congress hostage to their ideological agenda where they want to cut Medicare, Medicaid, cut environmental programs, cut education, and they are saying unless you do some of that or unless you provide tax cuts for wealthy Americans and corporations, we are not going to extend the debt ceiling and we are going to threaten the possibility of this country going into default, again, a commitment that was made and a commitment that was broken.

They should bring up a clean debt ceiling. They should not extend it for another week or another 2 weeks but continue it through the rest of the fiscal year so the possibility of default is not out there.

I do not need to say what could possibly happen if this country went into default. Even the threat of it is a problem.

WORKING FAMILIES NEED HELP

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, now that the Republican Party has discovered working America, NEWT GINGRICH and his team are frantically working their agenda. They are desperate. The Contract With America has failed. Voters in the Republican Presidential primaries do not want the Gingrich agenda of the last 14 months. They demand that the concerns of working families be the priority in Washington.

But a tiger cannot change his stripes. The Republican leadership is having a hard time crafting an agenda that deals honestly with the concerns of working men and women.

Will the Newt Gingrich Republican agenda support education, protect pensions, raise the minimum wage? No. According to the majority leader, DICK ARMEY, who is taking over the day-to-day operations of the House from Speaker GINGRICH, once again the new Republican agenda will be topped by a tax break for the wealthiest Americans.

Mr. Speaker, this is not what working families need. They need help to pay their bills, send their kids to college and save for retirement.

My Republican colleagues wanted to offer them the same old failed policies of the past in a brand-new package. The American people deserve better.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 5 minutes.

[Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

LASER SIGHTS LEGISLATION INTRODUCTION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut [Ms. DELAURO] is recognized for 5 minutes.

Ms. DELAURO. Mr. Speaker, today, I rise to announce a new legislative initiative that I am introducing, the Laser Assisted Gun Crime Penalty Act. I have drafted this bill with the assistance of the greater New Haven area police departments to provide an effective response to a new threat to our law enforcement officers and the public in general.

There has emerged on the scene recently a deadly addition to the arsenal deployed by gangs and other violent criminals. That new threat is called a laser sight.

The enhanced accuracy these devices bring—in the hands of the violent criminal—create a ''super-gun,'' aimed with lethal precision at our police officers as they patrol our neighborhoods to serve and protect the public.

The streets of the Third Congressional District of Connecticut are not immune to this new technology. On Christmas Day of last year and in the

first weeks of the new year, guns equipped with laser sights have taken lives and evoked fear amongst families in my district and my local police forces. That is why I am introducing this vital legislation.

Laser sights have become a new rage, the latest deadly fad. By dramatically improving the accuracy of deadly weapons, laser sights turn street thugs into sharpshooters.

The Laser Assisted Gun Crime Penalty Act directs the U.S. Sentencing Commission to increase penalties for individuals convicted of crimes involving laser sights. This bill does not ban laser sight technology or guns equipped with laser sights. This measure punishes the criminal, not sportsmen and sportswomen or law-abiding gun users. This approach to crime and guns can be supported by both pro and antigun control advocates.

My legislation will deter the use of laser sight technology in street crime and require the sentencing commission to collect data on the use and frequency of laser sighting devices in criminal activity throughout the Nation.

My legislation has received strong endorsements from leading police organizations like the National Fraternal Order of Police, the International Brotherhood of Police, the Center for Prevention of Violence and Handgun Control, and the Violence Policy Center. I urge my colleagues to cosponsor my bill and make our streets safer by cracking down on criminals who target law abiding citizens with laser sighting devices. Not gun owners.

We must send a strong signal to the criminal element that we will not tolerate the proliferation of this new brand of high-tech violence. Enacting this legislation will send a clear signal to anyone who would use a laser sighted super-gun, ''If you do that crime, you will do real time.''

□ 1630

REMOVAL OF NAME OF MEMBER AS COSPONSOR

Mr. METCALF. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor from H.R. 1834.

The SPEAKER pro tempore (Mr. NETHERCUTT). Is there objection to the request of the gentleman from Washington?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida [Ms. ROS-LEHTINEN] is recognized for 5 minutes.

[Ms. ROS-LEHTINEN addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. DOGGETT] is recognized for 5 minutes.

[Mr. DOGGETT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. SHADEGG] is recognized for 5 minutes.

[Mr. SHADEGG addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

WE MUST NOT WASTE MONEY ON WHITEWATER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, the first thing that I would like to acknowledge is my full and complete appreciation for the oversight responsibilities of this body. Likewise, I think those of us in public life, those who have offered themselves for elected office and for appointed office, do owe a special obligation of responsibility to the American public, to this Nation.

Might I also add, however, that those who offer themselves, particularly Presidential appointees and Governmental officials, have always exhibited to the best of their ability, I believe, the highest degree of integrity. We realize that there may be exceptions and that we should not falter from the responsibility to ensure that the American people have the truth. But might I just for a moment reflect upon the ongoing proceedings in the other body, the Whitewater hearings.

The hearings have to date in the Congress cost $900,000. This is separate and apart from the moneys being spent by the Independent Counsel. I might ask the American people this question: Oversight is one thing; but abuse is something else. We have determined today that the FDIC has decided not to sue the Rose law firm on issues dealing with Whitewater. We have already had previous reports by law firms that have not been dominated by any particular politics that have found no fault on behalf of the Clintons. Yet we now know there is an ongoing discussion about extending the debate and the proceedings of Whitewater, extending it and spending more money.

What the American people should be asking is what are the ultimate results? Will there be a criminal indictment? Is there a need to get more facts, or have we totally exhausted all facts that we could possibly find?

What we now see is a sense of redundancy, calling the same witnesses over again and, in actuality, trying to create perjury where none exists.

The reason why I say this, Mr. Speaker, is that we have some troubling times. First of all, we have no budget. We are funding education for our children at 75 percent of the need. In my State in Texas, Harris county, the area that I represent, stands to lose some $13.8 million in education funds because this body, this entire Congress, has no budget.

We are losing on Goals 2000 moneys. We are losing on title I moneys for disadvantaged children. We have already determined that public education does work. It has educated many in this body. I have had the privilege of being educated by the public schools, and I would say there are many teachers whose shoulders I stand upon that have allowed me to enter into the door of opportunity.

Yet we spend $900,000 on Whitewater, and they are asking that we spend some more, with no resolution, with no conclusion, and no solutions.

So, Mr. Speaker, I would say it is time for this body to get down to business. We must deal with education. We must deal with the Justice Department funding that has the Cops on the Beat Program, another program that has helped citizens in Harris County, the sheriff's department, the police department, cops on the beat. That program is not funded and is threatened. The DARE Program, the Drug and School Safety Program, all of these are trying to meet the test of legitimacy in serving the American public. Yet, may I say it again, we want to spend another $900,000 on Whitewater.

We now face, I think, a very interesting question; many of us have been discussing it for a long time. That is the issue of job creation in this Nation. We hear it in the very disjangled chords of the political process. In fact, many have said to me we are frustrated by this ongoing debate that we see in the Republican primary.

I think it is good that these issues are on the table. But let me say to the American public, we have been discussing, those of us who have been concerned about job development, for a long time, the issue of raising the standard of living for citizens in America. I do not think we can do that without raising the minimum wage. I know that is a difficult question for small- and medium-sized companies. But I do believe if we look at the small fraction of the amount of raising the minimum wage and the number of years where we have not raised it, we will find that Americans will be fair and will realize that giving Americans a fair standard of living is in reality helping America move forward.

Then the job creation, does it come from total protectionist policies? No, it does not. Does it come from a fair assessment of the fair trade? Yes, it does. Does it come from an internal analysis of corporate America in dealing with the investment process, that it is not just the dividend, but it is in fact job creation. We must work with corporate America to develop jobs with America, we must not waste money on Whitewater.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair must caution all Members that although factual descriptions of Senate action is permitted, debate may not include characterization of Senate actions or suggest courses of Senate action.

THE WITCH HUNT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. DELAY] is recognized for 5 minutes.

Mr. DELAY. Mr. Speaker, the witch hunt is over and the accused has been found innocent. The charges by the Federal Elections Commission and trumpeted by the liberals regarding Speaker NEWT GINGRICH and GOPAC have been found to be baseless.

In his ruling regarding this case, Judge Lewis Oberdorfer found that there ''is no proffer of admissible material evidence in the record that the material and services which GOPAC provided to support Congressman GINGRICH's work as GOPAC General Chairman were ever used by GOPAC or by him to support his reelection campaign.''

In other words, the FEC's case held no water.

Mr. Speaker, while this attack on GOPAC and Republicans by the liberal Democrats is not surprising, the fact that the case was summarily dismissed exposes it for what it really is, an effort to change the subject.

Ever since Republicans first won control of the House of Representatives for the first time in 40 years, liberals have tried every trick in the book to derail our agenda for real change.

They have filibustered, fearmongered, and filed lawsuits. They have convinced their outside activist allies, the trial lawyers, the labor unions, the Naderites, to put every ounce of energy, every bit of money, and every kind of demagoguery, into derailing our agenda.

This ruling by Judge Oberdorfer finally exposes the truth, that this distortion campaign is false and it is malicious.

Mr. Speaker, the American people are not interested in GOPAC. They are not interested in smear campaigns. They are tired of partisanship and bickering. They want the budget balanced. They want lower taxes. They want more opportunities for jobs. They want better schools for our children. And they want us to do the jobs we were sent here to do.

It is time to quit while you are behind. Stop this Ethics Committee abuse and start debating the real issues of the day.

KEEPING YOUR EYE ON THE PRIZE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 5 minutes.

Mr. DORNAN. Mr. Speaker, nine Members of this distinguished House of Representatives leave for the Balkans, for Bosnia and several of the surrounding countries, in about an hour and 40 minutes. Although I was able to get to Germany over New Year's Eve and meet with the troops at several locations from the 1st Armored Division that are deploying down to Bosnia, I have been blocked, literally stopped, by Mr. Clinton through his gentlemanly Secretary of Defense on four different occasions, Christmas, New Year's, I repeat, I got as far as Germany, and twice in the month of December.

I would love to be participating in the debate in South Carolina tonight for the honor of the Republican nomination for the Presidency. If they tear at one another's faces and despoil one another's reputations, my presence will be missed, because at every Presidential debate I have literally done everything but beg my worthy competitors to focus on, as Martin Luther King would say, ''Keep your eye on the prize,'' the Presidency on November 5.

The 11th commandment of Ronald Reagan, and he generously offered it to the Democrat family, was ''Do not tear yourselves up.'' You can discuss issues and be substantive on that, but do not try to raise your opponent's negatives, because there are two unintended consequences: Your own come down, and then it depresses the overall voting.

They were anxious to vote in New Hampshire, but in Iowa it was down to 17 percent participation. So I wish I could be there in South Carolina.

It is not this trip to the Balkans, this promised trip that precludes me alone. South Carolina is the only State in the Union demanding over $1,000, which was the New Hampshire entry fee, to participate in their State primaries. They want $7,000.

My younger brother, who is a junior high school teacher, he has got to tell all of his young men and women who dream about running for the Presidency some day that there is the entry fee in South Carolina.

It appears that we have learned one thing in this Presidential season, that $25 million without a message does not get you very far. But a solid message like mine, that I have generously allowed all of the other candidates to appropriate, the message of faith, family, and freedom, and that GOP doesn't mean old anything, it means growth, opportunity and productivity, that those solid messages are not much good without some money.

As our distinguished colleague in the Senate, Mr. PHIL GRAMM, said when he left the race, that he now goes back to his work in the Senate, my statement is simply I never left my work here, Mr. Speaker. I passed at least 12 Dornan amendments in the defense appropriations bill alone. We voted about 302 times more than the other distinguished body during the year of 1995.

We never did recess. For the first time in two sessions, we simply went out of business on the floor here on January 3; constitutionally the second session started at noon January 3. So we were in session the whole year. We actually met in this Chamber about 45 times more than the U.S. Senate.

I have no regrets watching the process from the inside out, making not a single money call. What was the sense of making money calls when I saw I could not compete on the ground, but only in the debate-electronic war and trying to stay very positive with my colleagues at that.

I look at my countdown watch, and I have seven on order to give to the remaining candidates, it says that the election is 250 days away and the inauguration is 326 days. From November 5 to January 20 is 76 days. Mr. Clinton may get to feel the pain that George Bush felt when the voters rejected him after 4 years.

Two-hundred and fifty days is an eternity. The Republican Party is not collapsing. Anybody can still win. There could be a brokered convention. Who knows what can happen and who will come in?

But I offer this to my GOP party, growth, opportunity, and productivity; I offer this theme for the fall: Our team beats Bill's team. To build a team, we are going to have to do something historical. If this bloody infighting, this fratricide continues, we are going to have a very badly wounded standard bearer, and he is going to have to do something historical.

□ 1645

He is going to have to do not only more skillfully than what Ronald Reagan did, and that is name a Vice Presidential running mate. Reagan did that in 1976. It did him no good, because he named a moderate from Pennsylvania that nobody knew. I think our frontrunner is going to have to name five people, the Vice President and four Cabinet officers.

I will close with their names: John Engler of Michigan; the gentleman from Texas, Mr. SAM JOHNSON, as Secretary of Defense; distinguished colleague, Colin Powell as Secretary of State, not Defense, State, and he will not get in trouble with domestic issues; a Treasurer that Wall Street and the common working man will trust and another colleague from here for 10 years, Dan Lundgren for Attorney General, the attorney general of our biggest State. That is the team. The front five. Our team beats Bill's team.

GOOD COMMUNITY FAIR

The SPEAKER pro tempore (Mr. NETHERCUTT). Under the Speaker's announced policy of May 12, 1995, the gentleman from Missouri [Mr. HANCOCK] is recognized for 60 minutes as the designee of the majority leader.

Mr. HANCOCK. Mr. Speaker, we pretty consistently hear about a lot of negative things that are going on in this

country. In fact, I am sure that a lot of the people that listen to the debates here on the House floor wonder, does anything positive ever get done in Washington, DC?

I am not too sure about Washington, DC, but I want to talk about an amazing thing that happened on Saturday, January 13, in Springfield, MO. Private citizens, with the support and encouragement of local institutions, organized the first ever Good Community Fair—an opportunity for concerned citizens to meet with leaders of dozens of private community groups to find out how volunteering can make our community a better place.

To the pleasant surprise of organizers more than 7,000 men, women, and children showed up at the Findlay Student Center on the campus of Drury College to find out how and where they could volunteer to do their part to make their hometown a better place, to help it be a good community.

They were able to walk from table to table to pick up information about local charitable groups and volunteer opportunities.

They were able to personally visit with current volunteers.

And they were able to sign up on the spot to get involved with the groups of their choice.

This was one of the most impressive spontaneous outpourings of good will it has ever been my privilege to witness.

And these were not people expressing cheap sentiment. They were not there just to find out what others were doing.

The people who showed up that Saturday made concrete personal commitments by the hundreds to help groups like Special Olympics, the Humane Society, the zoo, hospitals, blood banks, PTA, Meals on Wheels, Boys and Girls Clubs, local libraries, a soup kitchen, a homeless shelter, senior centers, neighborhood crime watch groups, and the list goes on.

When Drury College ran out of table space, the Boy Scouts of America made the best of the situation and literally pitched a tent in front of the building and set up their booth outside. Happily, the weather was great as well.

Community groups were actually running out of volunteer applications and informational literature. There was so much interest, organizers say they were overwhelmed. As one who was there, I can tell you, the whole building was packed.

Organizers admitted they had not expected such a turnout. One group leader said they thought only about 300 people would show up. Another said he thought he would spend the whole day with people just walking by his table.

They were both happily surprised. Thousands of people streamed through Findlay Student Center and made specific commitments to get involved.

And the enthusiasm and overall spirit of good will was tremendous. People felt excited about the possibility of making a difference.

They could do something themselves—rather than just assuming someone else would take care of it, or that government would take care of it.

For a brief moment, our problems did not seem beyond our control. Once again, thousands of people realized it was up to them to turn things around.

What I saw that day renewed and strengthened my faith in a lot things about our country and it made me very proud of my hometown.

Government was there too. A lot of tables at the fair were for different government agencies who need volunteer help, or who just want the public to understand what services they have available. Some were there to get constructive criticism about how they can better serve the public.

The police department, public schools, and city park board—even the city clerk's office—had booths at the fair. And plenty of government officials were on hand.

We had school board members, county commissioners, city council members, State legislators, and, of course, this Congressman.

Fortunately, they corralled all of the elected officials in a holding area called the Government Room. If someone wanted to talk to one of us, they could come visit us in the Government Room. The politicians were there, but we were not the center of attention.

The spotlight was on volunteers and volunteering. And I must tell you, I approved of that arrangement 100 percent.

And, I guess this is as good a time as any to praise the valuable contribution of the news media in this project. I want to specifically pay a compliment to the Springfield News-Leader.

They have started a valuable dialogue in the community. While that sort of thing has the potential to just get everyone talking in circles and mouthing platitudes, this Good Community Fair, was real.

It was an event that I am convinced will make a concrete difference in our quality of life. It was a project that made a difference.

As the newspaper itself put it:

> If Saturday's numbers are any indication of a new trend in community involvement, organizers and agency leaders agree, Springfield is headed toward a better quality of life in a hurry.

And the generous coverage by our local paper, and other local media outlets, unarguably helped make it a success.

Having said that, I want to return the focus to the real heroes of this day. The regular citizens of all ages, all walks of life, who took time out of their weekend to see what they could do to help others—people who cared enough about their community to find out if they could do something themselves.

And let me tell you, I honestly believe this is just the beginning. I think the response we saw at this fair will inspire even more Springfieldians to do their part.

This Good Community Fair has the potential to be a regular event, drawing more people each year into the effort to make a difference.

One of the things that convinces me this event was not just a flash in the pan, but the beginning of something long-term, was the large number of young people who took part.

Nearly 400 teenagers from all across town showed up for a two-hour town hall meeting to discuss their concerns about their schools and community. The discussion was led by panels of their fellow teenagers.

While the kids did not come up with any definitive answers to any problems—something, in fairness, adults have also failed to do—the young people showed an understanding and appreciation of those problems and an earnest, honest, and idealistic desire to do something about them.

And, for the most part, their complaints were voiced with a constructive attitude.

If nothing else, adults saw that the teenagers in our community do care and should be a part of any discussion about how to improve our schools, fight crime, create jobs, or meet other vital needs.

We have got quite a few good apples in the barrel. Anyway, I found some encouragement from it all.

Let me share a few specific stories that capture the spirit of all this, from which I think we can all take some inspiration.

Daisy Jenkins, a 79-year-old Springfield woman, showed up that Saturday. Now, understand, Daisy already gives $3,500 in contributions to 120 different charitable organizations a year. She also generously volunteers her time.

The day before the fair she visited two nursing homes, two private homes, and took a load of supplies to a local school.

This selfless woman came to the Good Community Fair to see what more she could do. Imagine that.

When she was asked why she was eager to add to her burdens, she said: ''I don't know. I can't help it. The Lord has been wonderful to me. I asked the Lord, 'I'm comfortable. What can I do?'''

On the same day, 5-year-old Austin Shaw asked his mother to take him to the fair to see how he could help others. Austin is now signed up to cheer up kids his age at the Ronald McDonald House who are sick or have seriously ill brothers or sisters in a local hospital.

''I want to do that with my mom,'' Austin said.

This generosity of spirit is touching. And there are examples after examples I could give you of other stories. Some I witnessed. Some I read about later. Some were told to me by others. All of them together make up the story of one of the most extraordinary events I have ever attended.

For 5 hours people who care linked up with people who could show them how to get involved in a way that made sense for them.

This one event did more for our community than any Government grant or any speech by a politician ever could.

Oh, and let me tell you. The churches were there. If ever anyone doubted that our churches and religious faith must play a central role in any renewal of our communities, they should be rid of that doubt.

From the Greene County Christian Coalition to the Springfield Area Council of Churches, the religious community was represented across the board.

Representatives were also on hand from Victory Mission, The Kitchen, Evangel College, Salvation Army, Easter Seals, Boy Scouts of America, and more—all groups that affirm Godly values.

This was not some antiseptic, morally neutral civic event. People were inspired by Christian decency and compassion. They were responding in droves to the Gospel message of charity and good will. And they were proudly doing it, in many cases, under the banner of faith.

In too many cases today, we have been told such overt religious expression is bad. That public things must be devoid of religious content. Well, let me tell you something. That is a bunch of horse feathers.

The outpouring of good will I saw that Saturday came from the soul. It was not just a civic act. It was a religious act. And I was proud to see the religious community out in force and out in the open, setting the example we are called to set.

Why am I making a point of this? I just felt that part of the story got missed in the coverage back home. And, while I am paying tribute to the event itself, I want to pay tribute to the religious roots which inspire such Godly sentiments.

The Good Community Fair is something which I believe can and should be emulated in other communities across the country.

By whatever name you call it, getting people together to talk about common problems and giving regular people a chance to make a difference beyond voting for just another set of rascals, is a positive thing.

Make sure government is there, so people can have some input in that aspect of their community and so government leaders can benefit from the direct exchange, but make sure the focus stays on the citizens and what they can do to make their community a better place.

This is something any community can do, regardless of size or status.

Springfield, MO, is a good town. We are not a metropolis, but we have some 145,000 souls who live there. Our problems may not be as great compared to what major cities face.

Many of us still think of ourselves as a small town. We clearly are formed by those small town values.

What I am saying is that we are not a city in crisis. We did not wait for our community to be falling apart at the seams before we did something to make sure we do not head too far in the wrong direction.

If this made sense for us, how much more sense does it make for other cities with greater problems across our land.

Again, I wish to pay tribute to the organizers and volunteers and groups and businesses and everyone else who had a part in making Springfield, MO's Good Community Fair a reality. It was an amazing event, an outstanding success, and the beginning of something very exciting. I am happy I went.

I commend you all for a job well done, and for caring enough about our hometown to make an effort of this kind. Your hard work and effort is surely rewarded by your success.

There is probably not much this retiring congressman can say that will add to that reward, but I felt it was important for me to say something, to let you know just how impressed I was, and to share what you have done with my colleagues and the rest of the country.

I am heartened to see the spirit of volunteerism being renewed in my community. I know it would make President George Bush proud. This is the same idea he was talking about when he spoke of volunteers as a ''thousand points of light'' in our troubled times.

Well, I saw 7,000 points of light at the Good Community Fair. It was a brilliant sight indeed.

But we must be realistic about this sort of thing.

Just because we cannot end poverty in one act, it does not mean we should not as private citizens help the needy.

Just because we cannot solve every crime or prevent every act of violence, it does not mean we should not do our best to keep our streets and neighborhoods as safe as possible.

Just because Government does not always respond exactly as we like or sometimes seems incapable of functioning effectively, it does not mean we should not vote or get involved in campaigns.

Sometimes, making a difference is incremental. Our Good Community Fair will not make Springfield, MO, a perfect place. It will not solve all our problems overnight. The fine groups represented there will probably never meet every need in our community.

But I would hate to think where we would be without the effort. You must think about the alternative. The real question is: How much worse might things otherwise be?

Progress is positive. We cannot make the perfect the enemy of the good. A good community is never more than a less-than-perfect community that is trying its best to do better. We must not lose heart in that struggle, as communities and individuals

I have less than a year left in the Congress. At the end of the year I will be retiring after serving 8 years in the U.S. House of Representatives. I will once again be a private citizen. And yet, I do not believe for one moment that my public service is coming to an end.

No, I am not talking about running for some other office, although it has been suggested and many have encouraged me to do so. I have no such plans.

I will still be a taxpayer, a voter, and a concerned citizen in my community. You see, I recognize that you do not have to be a five-term U.S. Congressman to make a difference.

You can be a 79-year-old woman volunteering to do more, or a 5-year-old boy who cares about sick children his age.

You can be a petition carrier, a food server, a snow shoveler, a babysitter, a blood donor, or meal deliverer and still make a difference in people's lives.

That is the message of the Good Community Fair I attended. Regular people can and should make a difference.

Do not wait for government to do it, or someone else to do it. If you want something better for your community, show some leadership yourself.

Working together, citizens can make something happen. It may not all happen at once. Some problems will always be with us, but our challenge is to do our best.

On Saturday, January 13, Springfield, MO, took one small—but very impressive—step in the right direction.

☐ 1700

Mr. EMERSON. Mr. Speaker, if the gentleman would yield, I want to commend him for the beautiful and inspirational statement that he has just made. I thought about what adjectives I wanted to use, and I almost said remarkable, but I thought beautiful and inspirational would be better because what the gentleman is describing is not at all remarkable in southern Missouri. It is the spirit and the attitude of the people there. And I do not think that we, your district and mine, lying as they do next to each other southwest and southeast Missouri, are particularly unique. I think that this wonderful spirit of voluntarism exists in most places in the country. It just needs to be tapped into and encouraged, and maybe we are old fashioned enough in what we would refer to as down in our neck of the woods to have never lost those qualities that were lost perhaps in many places when government started doing everything for everybody.

We have in Cape Girardeau, MO, my hometown, an organization. It was created by a very, very dedicated public servant, and she is a State representative in Jefferson City representing Cape Giraredeau County. The organization is called the Community Caring Council, and it is all the private sector organizations that do volunteer work and, as was true, you said there were a lot of governmental types in Springfield. All governmental agencies that have anything to do with helping people are represented through this Community Caring Council, and the object

of the Community Caring Counsel is if there is anybody in need or got a problem, we have got tentacles in the community that are going to find out about it and know about it and address those problems. And as the gentleman suggested, we are not perfect in all respects, but we do try.

And I think that you have articulated here so beautifully, so well, a spirit that lives out there in the minds and the hearts and the souls certainly of southern Missourians and, I think, of most Americans, and I wish that you could have given your speech here at the beginning of the day when every Member might be present rather than at the end of the day and the end of the week because I think you have delivered a very, very inspirational message here that everyone needs to be familiar with, and I commend you on your outstanding service in presenting to us, as you have, this wonderful activity that went on in Springfield, and I hope it can become a role model for a lot of other places. Thank you, MEL, for what you have done.

Mr. HANCOCK. I thank the gentleman.

The point I am attempting to make, not that I think that, in fact I know Springfield, MO, does not have an exclusive franchise on this, but the fact is that we need to. I am hoping other communities will emulate what they have started there in Springfield, but it is the positive thing that I want to stress.

I have been up here for almost 70 years. I mean it is negative, and I will say that you have to look at the negative side before you can come up with a solution, with positive solutions. You do not want to be blindsided, but this is positive, this is something that people can do.

Now, the ones that count are the ones that do their volunteer work, and probably all they get, they get the thanks in the way they feel inside rather than getting their name in the paper or that unknown person out there, and it just was absolutely amazing. Over 7,000 people showed up on a Saturday afternoon.

Mr. EMERSON. If the gentleman would yield further, let me encourage him. The Community Caring Council, which I mentioned as an entity in Cape Girardeau, has been in existence for some time, and other communities throughout southeast Missouri are emulating that entity, and I dare say that as other communities in the southwest are familiar with that is going on in Springfield, they will want to be a part of it as well because there is not, you know, a lot of difference between the folks in Joplin and Springfield and Poplar Bluff. They all want to be in there doing their part to make this world, this country and our region a better place.

Mr. HANCOCK. Mr. Speaker, is it not great that we live in a country where we do not have to work 14 hours a day just to get enough to eat or 18 hours a day just to get enough to eat?

You know we can spend a little time, and maybe quit watching so much television, and start doing a little volunteer work, and helping out our fellow man a little bit. That is positive, that is not negative.

THE AGRICULTURAL REAUTHORIZATION ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes as the designee of the minority leader.

Mr. OWENS. Mr. Speaker, we have just passed the Agriculture Reauthorization Act that reauthorizes farm programs, and I think it is very important to take note of an unprecedented development. We had a bipartisan breakthrough of the truth in respect to agricultural subsidies and the agribusiness welfare program in America, and this deserves to be noted. Been a lot of frustration for a long time experienced by those of us who recognize the fact that the agribusiness among all the recipients of Federal subsidies was the one that was most hypocritical. It received great amounts of money for a small number of people, and they made lengthy speeches about getting government off their back and not being a part of a welfare program. So we finally made a breakthrough, I think, in that not any great changes were wrought.

The bill that passed has a lot to be desired; the bill that passed is loaded with agribusiness welfare. The bill that passed is not a great reform measure, as it is touted to be. The bill that passed will probably be vetoed by the President. It pleases only segments of the population. Large numbers of the people are displeased with it.

But the phenomena that took place on the floor of the House yesterday is what I am rejoicing about. I rejoice that truth broke through and there was a real honest discussion of the nature of the welfare subsidies that have fueled the agribusiness for the last three decades. The truth broke through, and there were very close votes. We almost got rid of several subsidies that were terrible and have been going on for some time, and, most important of all, it was not partisan. You know, you could find no pattern of partisan voting. Both sides supported a breakthrough of the truth.

The debate was a real debate in that it was not locked into some kind of ideological dogma, it was not a ceremony where, no matter what you said, one side or the other side was not listening. I think for the first time, for one of the few times on the floor the House, the minds of some Members were actually changed by the course of the debate.

So we rejoice that the agribusiness is now being honestly examined, and the agribusiness and the tremendous amount of corporate welfare that the agribusiness has enjoyed is now up for scrutiny. The common sense of the American people can be allowed to examine it, and I expect that you will have an escalating amount of concern from ordinary people that common sense is now going to take hold of the situation, and we are going to have a real look at the kind of money that has been poured into the agribusiness empires over the last three decades.

Of course, you know most people do not realize that this bill, which was mainly focusing on cash subsidies and the details of crops and particular commodities, this bill does not even touch the surface of some of the most generous corporate welfare that has been heaped upon the agribusiness. We were not talking about the Farmers Home Loan Mortgages. We were not talking about a whole set of loan programs that feed into the farm economy.

And they say farmers. I think it is a misnomer to call anything related to agriculture now on a large scale farmers. They are not farmers. It is agribusiness. The farmers long ago were moved from the land.

You know when Franklin Roosevelt, the greatest Democrat probably in history, when Franklin Roosevelt conceived of the crop support programs and provided support for poor farmers across the Nation, if was very much needed and very much in order, and for a long time it did serve the purpose of keeping the family farm alive, allowing poor farmers to survive. It was very important.

But long ago the agricultural subsidies ceased to keep family farms alive and provide help for those that needed it most. That ended a long time ago. That is not the case any more. It is a great business, a great corporate welfare program, and some of us have complained about it for years. It has a dual evil. The taxpayers are forced to pay for the agrabusiness program subsidies, the corporate welfare, on the one hand. On the other hand, the fact that they pay for them to keep the prices up means that the people in other parts of the country that are not farmers pay higher prices for foods and commodities than they would if they were not propped up with special programs.

We had a command and control structure for agriculture second to none. I think the Soviet Union bureaucrats would probably envy the command and control structure of the Department of Agriculture and how agriculture over the years has evolved into this kind of protective command structure with farmers home loan mortgages and all kinds of goodies being fed to farmers and agribusinesses and establishing their own standards. We had situations were $11 billion over a 5-year period, $11 billion in loans, were forgiven under the farmers home loan mortgages program.

□ 1715

When you try as a citizen or as a Congressman to find out exactly what

criteria was used and who authorized the giveaway of $11 billion of American money, you know, they forgave the loans over a 5-year period to the tune of $11 billion, and the process of forgiving, writing down, adjusting is still going on. We have delinquent loans outstanding right now related to agriculture which reached the proportion of $11 billion or $12 billion, more than $10 billion, right now outstanding in delinquent loans for agriculture.

The giveaway took place more than 5 years ago, so that brought down the outstanding delinquencies greatly, but it was as high as $23 billion at one time. I have some statistics here. They are not always easy to read, because the way they give it to you, they do not clearly explain themselves. You have to read between the lines.

The various farm loan programs, they call farm programs direct loan fund activities. This is a report that took me some time to get. It is still very incomplete. At one point the outstanding delinquencies were up to $27 billion, as high as $27 billion, the outstanding delinquent loans. They forgave a lot of these loans, forgave them. If you forgave $11 billion worth of loans in New York City to homeowners and the owners of property and buildings, that would be a great boost to the economy of the neighborhoods. I find it hard to conceive of the Government giving away $11 billion to any group, but this was done and it has never been discussed.

Congress, I thought, would at least have hearings on it, when we first brought it up as a result of an article which appeared on the first page of the Washington Post, which talked about the $11 billion which had been forgiven in loans. They talked about four or five of the recipients of the loans that had been forgiven. They talked about the fact that they were millionaires. Several were multimillionaires that have been the recipients of this generosity of the American taxpayers. I thought we would have hearings. I thought—you know, Whitewater is dealing with $60 million. We are talking about $11 billion.

I thought we would be inundated with hearings, the Committee on Agriculture, the Committee on Ways and Means, the Committee on Appropriations. I thought all the committees would want to know how was $11 billion of the taxpayers' money forgiven, and why were millionaires involved in receiving these loan forgivenesses, the generosity of the loans, and what was the criteria. You still find it sort of like the savings and loan swindle. It is one of those things that got swept quickly under the rug. All our numerous media outlets and commentators and analysts, all of a sudden they just lost interest and it never surfaced. To this day it has not surfaced.

So anything related to agriculture has been sort of mysterious, and it has sort of been out of the reach of ordinary people. For that reason I was quite pleased that we made the breakthrough, and yesterday for the first time the Congress came to grips with the corporate welfare program that feeds agribusiness. We ought to be applauded. It was a bipartisan activity. I hope that it certainly continues.

My frustration began some time ago, and I thought I would go back and take a look at some of the things that I had said over the past. One of the items that I have placed in the CONGRESSIONAL RECORD to lament my pain and suffering as a result of watching the agricultural lobby and the agricultural complex ride herd over us, I went back and pulled it out of the CONGRESSIONAL RECORD.

On July 20, 1990, I think it was the day after, I was very frustrated when I saw on the floor a bill which was a very reasonable bill which called for farmers, agribusiness earning more than $100,000 a year to be dropped from the subsidy program. I thought that my colleagues who were interested in saving money and streamlining Government and guaranteeing that the waste would be removed and that every dollar taxpayers pay would be spent wisely and efficiently and effectively, I thought my colleagues would rally to that; but, you know, when the gentleman from New York, CHUCK SCHUMER and I proposed the bill, we were shocked with the number of votes that we received. As a result of that, I wrote my lament.

I am just going to re-read that, because today is February 29, 1996. This was written July 20, 1990. I spoke at that time. I am quoting from my entry into the CONGRESSIONAL RECORD: ''Mr. Speaker, during the deliberations on the Schumer-Armey amendment,'' and it is very interesting that at that time it was also a bipartisan attempt, and of all people, you had the gentleman from New York, CHUCK SCHUMER, the New Yorker, on one end of the spectrum, with the gentleman from Texas, DICK ARMEY, honestly waging war against waste in the U.S. Government through the agriculture program.

I said: ''Mr. Speaker, during the deliberations on the Schumer-Armey amendment to the Food and Agriculture Resource Act of 1990 (H.R. 3950), I joined with a number of other colleagues in seeking to convince the Congress that the time has come to use common sense and make some reasonable changes in the farm subsidy program. Although numerous changes are needed in the obsolete subsidy formulas, the amendment proposed only one small correction. Farmers earning more than $100,000 in adjusted gross income would be dropped from the subsidy program and would no longer be eligible for a government check of up to $50,000.

''Despite the fact that the authors of the amendment could prove that no family farmers would be hurt; despite the fact that less than 3 percent of the present acreage would be impacted by the change; despite the fact that it was demonstrated that the people in greatest need within our country—the children, the homeless, and the unemployed—are not eligible for $50,000 government checks; despite these and many other illuminating facts, the Agriculture Committee refused to accept the amendment. On a floor vote, the committee was overwhelmingly supported by the Members of Congress.

''* * * it is obvious that we have learned nothing from the pattern of massive waste in military spending and the monstrous giveaways to the savings and loan crooks. ''There was a clear statement to the electorate of America. Let the people suffer but we have to do our deals.'' That was the statement.

I offered the following as a concession speech to the powerful Agriculture Committee, and I added a little rap comment here which I call Let the People Suffer.

LET THE PEOPLE SUFFER

(A concession speech to the powerful Agriculture Committee)

Let the people suffer!
But we got to do our deals
When hungry babies holler
Make them swallow bitter pills.
We got to do our deals:
Family farmers are really quite rare
But lawmakers never despair
We let millionaires profit
From the myth that farmers are there.
Let the people suffer!
Subsidize fat farmers
Guarantee corrupt banks
Cut kids' anti-viral vaccinations
But we must maintain our tanks.
Let the people suffer!
They fully understand
Why all our foreign embassies
Are built to look so grand.
Let the people suffer!
Let the children feel the pain
Government can't do it all,
So leave the homeless in the rain.
Let the people suffer!
But we have to do our deals
Leadership lacking strong wills
Rule against creative minds
Then stumble into old binds
This budget is stale stew
Nothing is really new
Our current game Is still insane
The present message
Is too much the same:
Let the people suffer!
But we have to do our deals.

Mr. OWENS. Mr. Speaker, that was the result of my frustration on July 20, 1990. I am happy to report that some movement has taken place since the awesome power of the Committee on Agriculture came down on that amendment on that day before July 20, on July 19. The agriculture lobby came down and squeezed the opposition to death. I think we got less than 60 votes for that amendment, which said simply that any farmer which had an adjusted gross income of $100,000 would not be eligible for the subsidy program.

Then again on March 7, 1995, I wrote a piece, placed a piece in the CONGRESSIONAL RECORD, which also reflected my continuing frustration over the power of the agribusiness lobby and the agribusiness empire, the agribusiness

industrial complex. On that day, Tuesday, March 7, 1995, I said: ''Mr. Speaker, American agribusiness is one of the most successful industries on the face of the earth. Due to the vision and foresight of the Congress which enacted the legislation which created the land grant colleges, the agricultural experiment stations, and the county agents, government research and development made it possible for our farmers to leap way ahead of the rest of the world. No other Nation's agricultural industry is even close to the U.S. when it comes to farm output and efficiency. Let us applaud the Department of Agriculture and all of the nameless workers who over the years have done such a magnificent job in supporting our farmers.

''But now, Mr. Speaker, most of that work has been done. The mission has been accomplished. We have a monumental success and we can relieve the taxpayers of the burden of helping the agriculture industry, especially the rich corporate farmers. Let's have a means test and from now on let's support only the few remaining poor farm families. Let's stop the indiscriminate subsidies. Let's end the crop insurance. Let's stop the special mortgages. Let's leave the marketplace alone and end the crop subsidies and price supports. Let's get the fat farmers off the dole. The time has come to drastically downsize the Department of Agriculture. We must end farm welfare as we know it. We owe it to the American taxpayers. In this Congress let us work hard to get fat farmers off the dole.''

The following poem summarizes and conveys the seriousness of the situation. I call it ''Farmers on the Dole.''

FARMERS ON THE DOLE

Republican patriots
Come play your role
Keep fat farmers
On the dole
Helping cuddly honey bees
Coddling cattle grazing fees
Meat a city orphan
Never eats
Dole for welfare
Dole for cheats
Congress sink your fork
Deep into Republican pork
Hypocrisy over all
Drives you up the wall
O beautiful spacious skies
Small town editorials
Festering full of lies
Farmers on the dole
Farmers on the dole
Hi-ho the dairytake
Rich farmers on the dole
Decades over
And over it repeats
Dole for welfare
Dole for cheats
The story's never told
About farmers on the dole
Seeds not sown
Wheat not grown
Plow the dollars
Deep in the dirt
Hide the shame
Cover hypocrisy's hurt
Farmers on the dole
Farmers on the dole
Confess to free money's role
Rich farmers on the dole
Mortgage the barn
Until it drops
Timid taxpayers
Insure the crops
Rural swindlers
High on the hog
Food for the homeless
Thrown to the dog
The story's never told
About farmers on the dole
Republican patriots
Come play your role
Keep fat farmers
On the dole.

Mr. OWENS. At that time, Mr. Speaker, there was a partisan defense of farm subsidies. I am happy to report that yesterday on the floor that partisan defense crumbled, and we had legislation, amendments being offered by both sides of the aisle which sought to break through the hypocrisy of corporate welfare for agribusiness.

Common sense is on the rise, you know. We should be pleased. In this great democratic process, common sense raises its head from time to time, and common sense is our greatest hope. If this great democracy of ours is to endure, and I think it will endure, because of the fact that built into the structure are opportunities for common sense to come forward.

I think the fact that our legislators and Members of Congress have gone home and spent several weeks at home had something to do with the fact that there was a breakthrough and a recognition that agriculture, the agribusiness, is corporate welfare, and that we should get off the dole. Billions of dollars down the drain, billions of dollars down the drain, in contradiction of marketplace, the marketplace economy; a command structure similar to the Soviet Union's command structure. The problem is the Soviet bureaucrats would end it.

But there is still much work to be done. Until we are able to deal with farmers' home loan mortgages and other farm loans out there to the tune of $10 billion or $11 billion that are going to be forgiven, we have only begun to scratch the surface. I think we ought to cancel the Whitewater hearings, cancel the hearings on the travel office at the White House, cancel the hearings on the travel problem at the Department of Energy.

I do not say there is not a problem there. I am not going to get involved in trying to deal with the complexities of the White House travel office and the fact that the spoils system, which has been practiced for the entire time this Nation has existed, went into motion in a very crude kind of way, and has become a big, big, problem. Taxpayers' money should no longer be spent to probe the travel office at the White House, when we have $10 billion or $11 billion outstanding in the farm loan programs.

□ 1730

We ought to focus. The same committee responsible for investigating and probing in great detail the travel office problems, scandal, whatever they want to call it, that same committee is responsible for oversight for the Department of Agriculture loan programs. In fact, I first learned of the great outstanding number of delinquent loans in the farmers' home loan mortgage program and other programs as a member of that committee sitting there and hearing them talk about it. I was almost certain that we would have a return of the people who were there from the Department of Agriculture to tell us more about all of those billions of dollars, all those billions of dollars of outstanding loans.

It seems that there are certain places in our United States Government and our executive branch and here in Washington where billions of dollars misused, abused do not matter. You have $60 million at stake in Whitewater. The taxpayers have to shell out $60 million as a result of the collapse of the Whitewater bank, a savings and loan venture which, in the constellation of savings and loan operations, was tiny, you know. We had one that collapsed that owed the taxpayers $2 billion. The taxpayers had to bail it out for $2 billion. One in Denver, CO, almost $2 billion.

Quite a few collapsed for almost $1 billion, another $900 million. We have a whole lot of savings and loan collapses that we have not even discussed that we ought to be really examining. But the committee chose to deal only with Whitewater for some reason.

I said before I had a report, one of several reports that has been done on the savings and loan scandal, and one is the Department of Justice Financial Institution Fraud Special Report put out by the special counsel for financial institution fraud. And they give actual case histories in here, case highlights of things that happened during the saving and loan investigations and the kind of results that they got.

There is a piece in here, a case history, on Charles Keating. It is called ''The High-Flying Financier.'' Charles Keating, sentenced to over 12 years in order to pay $122.4 million for costing the taxpayers $2 billion. Keating was sentenced to 12 years and ordered to pay $122.4 billion. And it goes on to tell in summary what happened to Keating. Then there are other examples of great amounts of money lost, and finally what happened in most cases, we lost the money as taxpayers and it was not recovered.

Keating will stay in jail for less than 12 years, and when he gets out, he will find a way to pay some of his $122.4 million. I am sure he has money salted away in various places, and he will live happily ever after. But he is one of the few that was even prosecuted. He is certainly one of the very few in the billionaire category that received a jail sentence. So there is a lot of unfinished business that we should be addressing in Congress in order to deal with the fair dispensation of the taxpayers' money.

I do not want to dwell on that too long. I just want to make the connection between the excesses in the agribusiness and the corporate welfare subsidies for agribusiness and the other excesses that our Government, we have permitted, and now common sense is moving to address. I mentioned common sense before, I think, in connection with the phenomenon that has happened in the Republican primaries.

Normally I do not comment on the other party's primaries and I will minimize my comments. But the phenomenon of Pat Buchanan is everybody's business because Mr. Buchanan offers a very unusual development. A new dynamic has taken place within the Republican primary, and part of that dynamic relates to the fact that only Mr. Buchanan among the candidates has bothered to talk about what has been happening to workers in America, what is happening with respect to the average middle-class family. The Republican majority speaks incessantly about its concern for families. ''Families'' is a code word used over and over again in a thousand different ways. But when it comes to the economic security of families, the economic opportunity for families, what Mr. Buchanan has demonstrated is that there is a great vacuum. There is no discussion out there of the insecurity that families feel, that middle-class families now feel.

I have a great proportion of my district of people who are poor, working-class people who were actually quite poor and they felt insecurity all their lives. In certain communities in this country, the Depression never went away. It has been there since 1930, and the pain and the struggle is there on an ongoing basis. But there are large numbers of middle-class families, both black and white and various ethnic groups, middle-class families who have been enjoying a measure of security. They worked at a plant 15 years. 20 years, they could look forward to staying there and retiring and being able to spend their old age comfortably. They could look forward to having their children come behind them and get similar jobs, and it went on for a couple of generations. But now the person has worked there for 15, 20 years, finds that there is a threat to their pension funds. They cannot even look forward to retiring without problems, or they are suddenly dismissed at just the point where they qualify for the pension funds. All kinds of tricks are played and that dream is shattered. Then many others find that they will not get close to the retirement age because the streamlining and downsizing has begun to take place in large corporate organizations.

Streamlining, downsizing, is said to be necessary in order to make corporations more efficient, more effective. Streamlining and downsizing are necessary in order to maximize profits so that on Wall Street the stock offerings will be more attractive. Streamlining and downsizing accomplish all of those things, of course. Streamlining and downsizing is really seldom for the purpose of ending a structure, eliminating positions. Actually, they are going to hire new workers in most places. They are going to hire workers at much lower wages. They are going to hire workers that do not have seniority and have not accumulated certain benefits. Many of the downsizing and streamlining organizations are going to hire, rehire workers, but they are going to rehire them at much lower wage levels. Others are not going to rehire workers in the United States. They are going to hire workers in foreign countries. They are going to hire workers in Mexico. They are going to hire workers in Bangladesh. They are going to contract out to China certain parts of their processes. Whatever the reason, there is a great dislocation in the economy created as a result of the behavior of these corporations. The Democrats know it, Republicans know it. Members of Congress certainly know it. And yet we have not placed it high on the agenda. Oh, yes, there are some Members of Congress who have placed it high on the agenda. It is the leadership, it is the majority who have not. But the Progressive Caucus for some time has been talking about the need for a jobs program, a job creation program, a job training program. We have been talking for some time about that. We put legislation in.

One of the first questions I was asked by my constituents was where is the Democratic program? Why doesn't somebody match Pat Buchanan's interests and his concern? Why doesn't somebody indicate that they understand that there is a wage gap, there is an income gap that keeps growing; that while 10 or 20 percent of Americans are making more than they made for great amounts, their incomes are escalating, they are getting more wealthy all the time. The rest of the 80 percent are in a stagnant position, they cannot gain on the cost of living. Cost of living is way ahead of them. Insecurity is there for a good reason. Those who have jobs are actually not able to maintain the standard of living they had before. Those who have jobs are very anxious about their ability to keep those jobs.

We have been aware of this, and there are many voices raised that are concerned. Certainly DAVID BONIOR here in this House among the Democrats led the attack on NAFTA and the consequences that NAFTA would bring, and there were nearly 175 Democrats who consistently voted against all provisions related to NAFTA, and then they followed the same pattern with GATT. We understood that NAFTA and GATT were being stampeded through in order to guarantee that there was a minimum discussion of consequences. NAFTA and GATT, we knew, would bring problems. Not all of us. I think most of us were not trying to turn back the clock and back away from the globalization of the world's economy. Most of us were not trying to turn back the clock, as Pat Buchanan wants to do, and throw a ring around the United States, build walls, tariff walls, and resort to measures that are kind of crude and would maybe do more harm to the economy of this country as well as the world than they would do good. Not all of us, not most of us were concerned about those kinds of measures. We were concerned about the fact that the steamrolling of NAFTA and GATT would result in a dislocation for large numbers of American workers. We were concerned about the fact that nobody was willing to discuss building into the provisions for NAFTA and GATT some safety nets for workers in terms of education, in terms of opportunity. We were concerned about the fact that the technological revolution which rolls on, technological revolution which is fueled by the taxpayers' research and development efforts 20, 30 years ago, that that technological revolution would be to the benefit of a handful of people and that no provision would be made for the other people, the other Americans who certainly participated and were a critical part of the process of creating the technology which is so beneficial to the telecommunications industry and the computer industry and the information industry. We were concerned about the fact that human beings and human resources were the lowest thing on the list of the people that were pushing for the approval of NAFTA and the approval of GATT.

We were right. The problems have only been compounded. And now as the problems are compounded and workers found an opportunity, middle-class people who are concerned found an opportunity to express it, even one election in New Hampshire, immediately we have some visibility for the issue. Immediately there is a discussion on ''Nightline,'' there is a discussion on all the Sunday talk shows, everybody suddenly has discovered there is a problem in America. There is a problem of anxiety. There is a problem of insecurity. There is a problem of seeing no effort to deal with the losers. There is a problem with the concept of inevitable losers. The people who negotiated GATT and the people who negotiated NAFTA will tell you, well, we knew there would be losers. There will be some workers who are going to lose their jobs, some entrepreneurs put out of business. There are going to be losers.

What is happening now is that the losers are revolting and saying we did not volunteer to lose. We have not accepted the status of losers quietly. We are Americans. We helped to build this country. We helped to build this economy and we do not want to be thrown overboard casually by people who say there have to be some losers.

Now, there are nations and there are economies, there are societies that do not accept the theory that there have to be losers. They do not accept that

theory in Japan. You want to know the difference between the Japanese negotiators at the table dealing with GATT or dealing with bilateral trade agreements between the United States and Japan? The great difference is that every one of the negotiators from Japan knows that they are at the table to protect every strata of their society. They do not want to have losers. When they negotiate agreements, they are protecting small merchants, they are protecting categories of workers. The pattern of Japan has been quite pronounced. It is not a subtle thing anymore. Everybody knows that Japan negotiates to protect its own interest and it considers its human beings, the workers, the merchants, the small business people, the corporations, you know, but mainly the folks who need the most protection are the small business people.

□ 1745

Consumer prices are very high in Japan. The price of a pear or an apple or a piece of fruit is very high. The price of rice is very high. You know, it is a commodity that everybody needs and uses. They keep certain prices high, and they keep certain things in place in order to guarantee that certain classes of people are not ever in need of a safety net. They erect barriers in terms of inspection of our products, in terms of licensing, in terms of requirements of safety. They do all kinds of things to keep our products from flowing in rapidly into their market, because they are protecting their people. They do not want losers.

Japan probably does it better and has done it better than any other economy. But they certainly do it in France, they do it in Germany. The negotiators at the table who are negotiating GATT for all the other countries, or NAFTA for all the other countries, they made certain their people were protected. So we do not want to accept the premise that there have to be losers. The losers happen to live in my district. I do not want to be the district where the losers are. They have been losers for too long in the 11th Congressional District in New York. They have been losers for too long in Brownsville. They have been losers for too long in Bedford-Stuyvesant. They have been losers for too long.

I would like to have a government dedicated to the proposition that we want to protect them as much as we want to protect corporate interests.

So what I am saying is nothing new. We were aware of the problem, and we have introduced legislation. I myself introduced several pieces of legislation, and one of them I introduced at the request of the progressive caucus. The progressive caucus has worked on the problem of insecurity among workers, of dislocation of workers, lack of jobs, for some time, and we developed a whole set of legislation.

One of the pieces that I was asked to introduce was the Job Creation and Invest in America Act of 1995, the first year of the 104th session of Congress. I introduced the Job Creation and Invest in America Act of 1995. That is there with a proposal for creating jobs in every area, for dealing with the needs that exist in our economy, for infrastructure changes, infrastructure improvement, surface transportation improvement, aviation improvements, railroads. We go into the nonphysical sector and deal with the need for post-secondary education training lifelong learning and the need to fund that and provide jobs in that area while you are providing more services, the need for early childhood, youth and families to be taken care of, the need to improve the health and environment. It was a comprehensive bill, came out to a lot of money.

But at the same time we were preparing this bill, we read Japan had proposed a bill similar. It is a stimulus. It is a stimulus bill, a job creation, a job training bill, an education bill all wrapped in one. But overall it is a stimulus package. Japan introduced a stimulus package at the same time, and their economy is much smaller than ours, for $90 billion. They have introduced a $90 billion stimulus package, which was going to do similar things, focus on improving their infrastructure, because when they improve railroads and highways and airports, they know that it is going to redound to the benefit of the economy eventually anyhow. So it is not a waste.

So Japan was doing something similar. But we were not without ideas here in Congress. The progressive caucus and myself have repeatedly discussed after the introduction of this bill ways in which some portion of this stimulus package might be introduced.

There is a Federal Housing Trust Fund Act that I introduced which called for some new ways to get affordable housing by changing the way we finance housing, low-income housing, and it would create jobs as well as create housing.

There is a Creative Revenues Act that I introduced, Economic and Educational Opportunities Act, several acts that I have introduced and other people have introduced which deal with education and deal with job training. And, of course, the Congressional Black Caucus alternative budget focused primarily on opportunity, job opportunity, job training, and education.

We had a 25-percent increase in the education budget bill into our Congressional Black Caucus alternative budget. We were pleased when the President announced that he, too, would make education a priority, and there is a great increase, I think, in the President's first 7-year budget. He had $47 billion in increases for job training and education over a 7-year period. I was quite pleased.

I was shocked, then, when I found out, of course, just before we went on recess, that an agreement had been made for an extension, continuing resolution, which actually agreed to the cuts that the Republicans had proposed for certain critical education programs. They cut title I by $1.1 billion by saying that it had to come in at 75 percent; it could operate only at 75 percent of previous funding. That was a 25-percent cut.

They cut Head Start. They cut other programs. The Summer Youth Employment Program is still a shadowy kind of commitment. We do not know exactly how much money is there for it, and I mention these programs over and over again because they are critical. They are very important.

If we do not have job training programs, as meager as the Summer Youth Employment Program, job training and provision of income for the lowest-income families in the country, if we do not have that, then we are not moving at all to fill up the vacuum that Pat Buchanan has exposed.

The least we could do is keep programs alive which exist already. The least we could do is to energize our job training programs that are already in existence while we try to convince the Congress and everybody related that we need a massive education program, we need a massive job training program, we need a massive undertaking to deal with the fact that we are in a transition.

We need a program which deals with something as basic as minimum wage. You know, that is a tiny step. If we cannot get a massive response to the kind of dislocation and anxiety that exists, then certainly we ought to take a small step. The meager step of an increase in the minimum wage, common sense says that we ought to do that.

All of the polls taken in this country have shown repeatedly that Americans favor an increase in the minimum wage. They want to move the minimum wage from $4.25 an hour up in various parts of the country; it varies as to how they want to move it.

But the meager proposal, the basic rock-bottom, proposal made by Congressman GEPHARDT, our minority leader, that has also been endorsed by the White House, has been an increase of 45 cents an hour per year for 2 years, 90 cents an hour over a 2-year period.

Now, the least we could do for our workers is to indicate that we recognize that $4.25 an hour is no way to try to earn a living in this present economy. That comes out to about $8,400, I think, a year for a person who is working 40 hours a week. And you bring home $8,400 gross pay, you cannot support a family on that.

But common sense says we ought to change it. Why does the Congress not listen to common sense? When are we going to have a breakthrough.

I am optimistic now. We had a breakthrough yesterday. Suddenly, we could see that corporate subsidy for agribusiness is bad, suddenly we do not want to face the American people again and try to convince them we should pay farmers who earn $100,000 or more,

$50,000, for doing nothing. Suddenly, we made that break. I am optimistic.

I think in the next 30 to 60 days we may have some real movement on a minimum wage increase. The power of common sense is pushing from the bottom. The power of common sense says that no legislator can stand before his constituents and make an argument with a straight face that the minimum wage should not be raised.

I know there are some legislators, some Members of Congress who have said that the minimum wage will be raised ''over my dead body.'' There are others who said we cannot afford to raise the minimum wage because you are competing with the workers in Mexico, we are competing with workers in Bangladesh and China. Common sense says in this economy, if you are going to have some kind of semblance of order and law and justice, you ought to pay people a little bit more than $4.25 an hour.

Common sense has broken through at the local level. There is an article here that states, and this is from the Wall Street Journal of Friday, February 23, ''Minimum wage issue heads to the ballot box. Supporters of an increase skirt the unfriendly Congress.''

What they are saying in this article in the Wall Street Journal on February 23, 1996, is that in towns and cities and States people are taking steps to increase the minimum wage. They are disgusted with the lack of concern and the failure to act on the part of Congress. So you have, in a place like California, a coalition of unions and community groups gathering signatures to place a measure on the November ballot that would raise the minimum wage, which is now $4.25, to $5 in March 1997 and $5.75 a year later. That is an issue being brought, an initiative being brought in California.

In Idaho, the State AFL–CIO has filed an initiative to raise the minimum wage, now $4.25 an hour, by 50 cents for each of the 4 years beginning July 1, 1997. A separate bill to raise the minimum wage has been introduced in the State legislature. The AFL–CIO has filed the initiative. They are going to try to get the voters to do it. The State legislature has gone ahead in Idaho to file a bill to raise the minimum wage.

In Minnesota, the State legislature is considering a measure to raise the minimum wage, now $4.25, to $5.35.

In Missouri, the community group ACORN is gathering signatures for a State initiative in November that would raise the minimum wage, now $4.25, to $6.25 an hour in January 1997 and by at least 15 cents annually thereafter.

In Montana, a coalition of labor and community groups is collecting signatures to place a proposal on the November ballot to raise the minimum wage, now $4.25, for all workers to $6.25 an hour by the year 2000.

In Texas, a rare State in which cities hold authority over the minimum wage, Texas, the cities actually govern the minimum wage, signatures are being gathered in Texas for a November ballot initiative in Houston, Dallas, San Antonio, and El Paso to raise the base pay for all workers in those cities from $4.25 to as much as $6.25.

In Washington, the State of Washington, Gov. Mike Lowry backed legislation raising the minimum wage from the current $4.90 to $5.30 an hour. But this month business interests killed the measure. Supporters are likely to counter the business killing of the measure with a ballot initiative for November.

Common sense is breaking through. The people are forging forward to make this democracy work for all of the people. Common sense.

There is every reason to be optimistic that common sense will prevail. It moves slowly, and there is a lot of suffering that takes place because we have people in power who have been elected by the people who do not have common sense. But common sense eventually breaks through. Common sense has broken through, and common sense prevails in a number of areas, like Medicare and Medicaid.

The people who want to cut Medicare and Medicaid will do so at their own risk. The level of common sense is so great until they are likely to punish those who disobey the loss of common sense and persist in those cuts.

We should not have to have a demagog like Pat Buchanan to raise the level of visibility for issues of this kind. We should not have to have a demagog like Pat Buchanan to bring to our attention the fact that here in Washington we are ignoring common sense. The Washington wisdom is stuck in the rut. The Washington wisdom is obsolete.

Conventional wisdom here just does not seem to understand. The danger of having a Pat Buchanan as the general on the white horse riding out there to defend the interests of the middle class and the workers is great, because this is a general who is a deceptive general. He does not really care enough about the workers to provide the solutions to the problems that he highlights. Pat Buchanan has raised the issue of the income gap, but he does not want to deal with the problem of the minimum wage. He is not proposing a raise in the minimum wage.

□ 1800

Unless he has done so within the last 24 hours, Pat Buchanan has not addressed the issue that we want a simple two-step increase in the minimum wage. He is not dealing with that. Pat Buchanan is not dealing with the fact that corporations are paying a very small percentage of the total tax burden, the income tax burden. Corporations now pay about 11.4 percent versus the tax burden borne by individuals, which is at 44 percent.

He talks about corporations taking jobs overseas, which we applaud. We applaud him for his ability to command the media and make the media pay attention to the injustices and the foolishness, the wrecking of the economy that takes place as a result of taking jobs overseas while you do not deal with compensating workers, while you do not deal with the adjustments necessary and the kind of transition program that you need.

Pat Buchanan does not really deal with the workers in this country in terms of the environmental laws that are necessary, in terms of the attack by his party on the Occupational Safety and Health Act. He does not deal with the need to guarantee that workers are safe. He does not deal with the Striker Replacement Act, the fact that the right to strike has been abrogated, almost wiped out, by the striker replacement phenomena taking place across the country where management replaces strikers. Although they have the right to strike, collective bargaining is a right under law, if the strikers can be replaced, how can we argue that they have a right to strike?

So Pat Buchanan is not the answer. So I close by indicating that the hypocrisy of Mr. Buchanan when it comes to concern for individuals and concern for workers is revealed in his own statements. He has not denounced himself, he has not walked away from his own statements that have been repeatedly made.

The people on the bottom are of no concern to Pat Buchanan. I have a number of quotes. I do not have time for all of them. In the days ahead we should pay attention to what Pat Buchanan has said about justice, we should pay attention about what Pat Buchanan has said about immigrants, about African-Americans, and understand that this general on a white horse will lead the troops into great danger. This general on a white horse does not care about the majority of American people. This general on a white horse waves a flag that is a hypocritical flag.

Certainly when it comes to African-Americans, Pat Buchanan, according to the Daily News of October 1, 1990, made it quite clear where he stood. He was a White House advisor to President Nixon at that time, and in a memo to President Nixon about the visit to Coretta King, who was the widow, of course, of Martin Luther King, on the anniversary of the assassination, Pat Buchanan advised Nixon not to visit Mrs. King. He said a visit to Mrs. King would ''outrage many, many people who believe Dr. King was a fraud and a demagog and perhaps worse. Others consider him the Devil incarnate. Dr. King is one of the most divisive men in contemporary history.''

That quote appears in the New York Daily News on October 1, 1990. Buchanan has repeatedly insisted that Ronald Reagan did so much for affirmative action that civil rights groups no longer need to exist.

Pat Buchanan said, ''George Bush should have told the NAACP Convention that black America has grown up,

that the NAACP should close up shop, that its members should go home and reflect on John F. Kennedy's aspiration, 'Ask not what your country can do for you, but rather ask what you can do for your country.'" That quote is in his syndicated column of July 26, 1988.

There are many, many quotes that show that Pat Buchanan is not the person to lead the people who are suffering in America, those who are insecure and uncertain. You cannot be led by a demagog who makes these kinds of statements and called Capitol Hill "Israeli-occupied territory" in the St. Louis Dispatch in October, 1990. He referred to Capitol Hill as "Israeli-occupied territory."

In a 1977 column, Buchanan said despite Hitler's antisemitism and genocidal tendencies, he was an "individual of great courage. Hitler's success was not based on his extraordinary gifts alone. His genius was an intuitive sense of the mushiness, the character flaws, the weakness masquerading as morality that was in the hearts of the statesmen who stood in his path." The Guardian of January 14, 1992, is the source of that quote.

I cite all of these because we are at least making the breakthrough on the issues. But the issues would be thoroughly confused, the issues that relate to working people, the issues of concerns to those people who are experiencing anxiety and who are the victims of the dislocation, the people suffering because our Government is guilty of great waste.

Our Government is guilty of continuing corporate welfare for agribusiness, guilty of continuing to overfund the defense industry. Our Government is guilty of continuing to fund an overbloated CIA that loses $2 billion in its petty cash fund. Our Government is continuing to not pay attention to the kind of priorities that common sense has set forth.

Common sense says we should put more money into education, we should not be cutting title I by $1.1 billion. We should not be cutting Head Start, we should not be dillydallying around with the Summer Youth Employment Program. Common sense says we ought to maximize our programs for educational opportunity. Common sense says we ought to maximize our job training programs. Common sense says we ought to pay attention to the fact that a technological revolution is going to cause a lot of suffering, and no one has a right to make a judgment that some people are expendable, that some people should be thrown overboard, that in the process of streamlining and downsizing, either the Government or in the private sector, human beings do not matter. Common sense says no.

I am happy that common sense is on the rise. That common sense in the final analysis will save this democracy. This Nation will probably endure for 1,000 years because of the fact that there is a process built in which allows common sense to percolate and allows common sense to rise to the top. Ever so slowly the process takes place, but it is underway, and I think that it will have an impact; a revolution that is underway, pushed by the Republican majority, will hear from the people out there who will fall back on the wisdom of common sense. That common sense will prevail.

PRESIDENT GAGGING WITNESSES BEFORE CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Pennsylvania [Mr. WELDON] is recognized for 15 minutes as the designee of the majority leader.

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise this evening for a brief period of time to discuss an unfortunate incident involving the Clinton administration. As the chairman of the Research and Development Committee for the Committee on National Security, my responsibility is to oversee the funding for the research and development component of our national defense. That amounts to approximately 30 billion-odd dollars a year.

One of our top priorities, Mr. Speaker, is to review the missile defense capabilities of this country, to provide for the common defense of the people of this Nation from a deliberate or accidental launch of a cruise or ballistic missile from any place or spot in the world. It is a very important topic, and one that resulted in strong bipartisan support in the 1995 calendar year, as Democrats and Republicans joined together in providing one of the single biggest differences in the Clinton administration's defense request.

In the House committee, our bill, which plussed up the missile defense accounts by $800 million, the bill passed by a vote of 48 to 3. On the House floor, in spite of what the President had requested for missile defense, Republicans and Democrats, liberals and conservatives and moderates, joined together with a 300-vote margin in approving the changes we provided for in the committee. So there was strong bipartisan support in this Congress.

In the end, Mr. Speaker, however, the administration and the President vetoed the bill, because he said what we had done in the area providing a national missile defense would in fact violate the ABM Treaty. That was not in fact true, and we knew it at the time, but the President said it will anyway.

Starting this year, Mr. Speaker, we agreed we would bring in the witnesses from the administration to tell the story as to whether or not we could build a system that was within the ABM Treaty, at a relatively low cost, that was doable and would protect the American people.

Mr. Speaker, today we were scheduled to hold a hearing, my subcommittee, at 10 a.m. A total of 12 members showed up, 10 Republicans and 2 Democrats, and zero witnesses.

The witnesses who were supposed to be at the hearing included Gen. Mal O'Neill, who heads the Ballistic Missile Defense Organization, Clinton's point person on missile defense, General Garner, who is the Army's missile defense spokesman, and General Linhard, who is the Air Force's point person on missile defense.

Interestingly enough, Mr. Speaker, they were all anxious to testify. In fact, I have their testimony. Each of them submitted it to us as if they were there. As I hold up the testimony they were going to give to us, it is very interesting. In fact, I will provide this to any Member of Congress, and anyone who is watching us today, Mr. Speaker, can obtain copies of this testimony, because it is unclassified, from any Member of Congress who would in fact contact my office or the administration to get it.

But they could not show up. Why did they not show up and why could they not? Because the Clinton administration imposed a gag rule. Unbelievable as it may seem, Mr. Speaker, today for the first time, to my knowledge, in the history of this country, the Pentagon and the administration and Bill Clinton imposed a gag rule on generals in our Army and our Air Force who were asked to come before this Congress to talk about an issue of vital concern to this country, and that is missile defense.

Now, why would not these generals have been allowed to come forward to this hearing to testify before Democrats and Republicans? Was there some reason? Well, Mr. Speaker, there were two issues that were cited, and I would like to refer to both of them.

First of all, the administration claimed that they could not come forward, they were not allowed, and this was not decided until yesterday late in the afternoon, because, as Deputy Secretary of Defense White said, we did not want anyone on the Hill from the Pentagon testifying prior to Secretary Perry and Dr. Kaminski coming in and testifying before the Congress on this year's fiscal request. That was what they said was the reason why they could not appear.

That is somewhat unbelievable, Mr. Speaker, because yesterday the Vice Chairman of the Joint Chiefs of Staff, Admiral Owens, appeared before the Senate Committee on National Security, gave written testimony, and answered questions about missile defense. So the policy in fact was not upheld, and that was merely an excuse by the administration to try to justify why they would not let these three generals come in.

Now, the second reason they gave, Mr. Speaker, was that they were willing to give us a briefing, but not allow testimony to occur. In fact, the only briefing that took place this week was the briefing of administrative officials

to Democrats only. Republicans were not invited.

One of our staff members was called the day before the briefing and was told that he could receive a similar briefing. He was similarly called the day of our hearing and was told that Members of Congress could come in for that from both parties. Obviously the schedules were already made up for that day and the rest of the week.

So why then, Mr. Speaker, would this administration not want generals in our Air Force and our Army to come before Congress and the American people? Very simply, Mr. Speaker, it is because their testimony would prove that this administration has once again lied.

Mr. Speaker, as pure and simply as I can put it, again these generals would prove that this administration lied to the American people. This administration said that we could not build a national missile defense system that would protect all 50 States and be compliant with the ABM Treaty.

In fact, General Garner was prepared to state on the record, as his outline summarizes, that he has a plan that can be completed in 4 years at a cost of less than $5 billion using existing capabilities that would give us a level of protection that we have never had before in this Nation.

General Linhard was prepared in his statement to say the Air Force could give us a similar capability using existing technology for a cost of less than $3 billion from a single site that would give us, agian, a limited protection that we have never had for the people of this country. These two systems would give the American people the same protection that the Russian people already have with the world's only operational ABM system which surrounds Moscow and which protects 80 percent of the Russian people.

Now, these two generals who work for the taxpayers, but who, unfortunately, report to Secretary Perry and ultimately Bill Clinton, were gagged. They were told in personal phone calls, ''You can't come up to the hill.''

I chatted with Speaker GINGRICH earlier today about this, and he was outraged. I chatted with the gentleman from Louisiana, BOB LIVINGSTON, chairman of the Committee on Appropriations, the gentleman from Florida, BILL YOUNG, chairman of the Defense Committee on Appropriations, and the gentleman from South Carolina, FLOYD SPENCE, chairman of the Committee on National Security, and they were all outraged.

Let me say this, Mr. Speaker: This administration can run, but it cannot hide. They may have prevented three generals from coming up on the Hill today, but it will not happen again. I say this, Mr. Speaker, to you as our voice to the administration: The next time this administration denies our request to have a witness, we will issue a subpoena.

□ 1815

And we will have those generals up at the table where they will be able to tell the American people and this Congress the facts.

This administration is not going to be able to distort and twist things to suit their ultimate political objectives. That is what occurred today. And if this President and this Secertary of Defense think that they will again be successful in denying the public and Members of this Congress the ability to understand and know the facts as they are, then they are very shortsighted.

Mr. Speaker, I say to you tonight that we will again hold these hearings. We will have General O'Neill again requested to come before our committee next week and I assume he will be there. But beyond that, we will again have General Linhard, and we will again have General Garner before our committee where they will be allowed to tell their story.

I would say this, Mr. Speaker, they will be allowed to speak freely. They will be asked questions directly, and there will be no one to filter nor intercept or try to interpret what it is they say. And in the end, the Members of this body and the people of this country can determine why the administration did not want these three generals to appear before our committee. Because in the end the people of this country will see that once again this President and this administration has done what they do so well, and that is distort the facts, change the truth, deny reality, and attempt to sway public opinion for political purposes while in fact jeopardizing the security of the people of this country.

Mr. Speaker, it is unfortunate that this incident had to occur today. It is unfortunate that what was a legitimate attempt to have the Members of this body get factual information on which they can base their decisions was circumvented by an administration so worrisome about the truth getting out in terms of the facts that are out there and the evidence provided by the generals that we hold responsible for the lives of our troops and for the safety of our people.

I say to you, Mr. Speaker, it will not happen again.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON THE BUDGET REGARDING CURRENT LEVELS OF SPENDING AND REVENUES FOR FISCAL YEARS 1996–2000

Mr. Speaker, on behalf of the Committee on the Budget and pursuant to sections 302 and 311 of the Congressional Budget Act, I am submitting for printing in the CONGRESSIONAL RECORD an updated report on the current levels of on-budget spending and revenues for fiscal year 1996 and for the 5-year period fiscal year 1996 through fiscal year 2000.

This report is to be used in applying the fiscal year 1996 budget resolution (H. Con. Res. 67), for legislation having spending or revenue effects in fiscal years 1996 through 2000.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, February 22, 1996.

Hon. NEWT GINGRICH,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: To facilitate application of sections 302 and 311 of the Congressional Budget Act, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 1996 and for the 5-year period fiscal year 1996 through fiscal year 2000.

The term ''current level'' refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature as of February 16, 1996.

The first table in the report compares the current level of total budget authority, outlays, and revenues with the aggregate levels set by H. Con. Res. 67, the concurrent resolution on the budget for fiscal year 1996. This comparison is needed to implement section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for years after fiscal year 1996 because appropriations for those years have not yet been considered.

The second table compares the current levels of budget authority, outlays, and new entitlement authority of each direct spending committee with the ''section 602(a)'' allocations for discretionary action made under H. Con. Res. 67 for fiscal year 1996 and for fiscal years 1996 through 2000. ''Discretionary action'' refers to legislation enacted after adoption of the budget resolution. This comparison is needed to implement section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 602(a) discretionary action allocation of new budget authority or entitlement authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a).

The third table compares the current levels of discretionary appropriations for fiscal year 1996 with the revised ''section 602(b)'' suballocations of discretionary budget authority and outlays among Appropriations subcommittees. This comparison is also needed to implement section 302(f) of the Budget Act, since the point of order under that section also applies to measures that would breach the applicable section 602(b) suballocation. The revised section 602(b) suballocations were filed by the Appropriations Committee on December 5, 1995.

Sincerely,

JOHN R. KASICH,
Chairman.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET: STATUS OF THE FISCAL YEAR 1996 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 67 REFLECTING ACTION COMPLETED AS OF FEBRUARY 16, 1996

[On-budget amounts, in millions of dollars]

	Fiscal year 1996	Fiscal year 1996–2000
Appropriate level (as set by H. Con. Res. 67):		
Budget authority	1,285,500	6,814,600
Outlays	1,288,100	6,749,200
Revenues	1,042,500	5,691,500
Current level:		
Budget authority	1,307,058	NA

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET: STATUS OF THE FISCAL YEAR 1996 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 67 REFLECTING ACTION COMPLETED AS OF FEBRUARY 16, 1996—Continued

[On-budget amounts, in millions of dollars]

	Fiscal year 1996	Fiscal year 1996–2000
Outlays	1,310,299	NA
Revenues	1,039,022	5,648,263
Current level over (+)/under (−) appropriate level:.		
Budget authority	21,558	NA
Outlays	22,199	NA
Revenues	−3,478	−43,237

NA=Not applicable because annual appropriations acts for fiscal years 1997 through 2000 will not be considered until future sessions of Congress.

BUDGET AUTHORITY

Enactment of measures providing any new budget authority for FY 1996 (if not already included in the current level estimate) would cause FY 1996 budget authority to exceed the appropriate level set by H. Con. Res. 67.

OUTLAYS

Enactment of measures providing any new budget or entitlement authority that would increase FY 1996 outlays (if not already included in the current level estimate) would cause FY 1996 outlays to exceed the appropriate level set by H. Con. Res. 67.

REVENUES

Enactment of any measure that would result in any revenue loss in either FY 1996 or for the total for FY 1996 through 2000 would increase the amount by which revenues are less than the appropriate levels of budget authority set by H. Con. Res. 67.

DIRECT SPENDING LEGISLATION: COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(a)

[Fiscal years, in millions of dollars]

	BA	1996 outlays	NEA	BA	1996–2000 outlays	NEA
House Committee:						
Agriculture:						
Allocation	−992	−992	177	−8,477	−8,477	−2,164
Current level	(*)	−1	0	−3	−7	0
Difference	992	991	−177	8,474	8,470	2,164
National Security:						
Allocation	−1,168	−1,168	382	1,733	1,733	1,467
Current level	369	367	401	1,657	1,653	1,803
Difference	1,537	1,535	19	−76	−80	336
Banking, Finance and Urban Affairs:						
Allocation	−481	−481	0	−1,698	−1,698	0
Current level	3	3	0	(*)	(*)	0
Difference	484	484	0	1,698	1,698	0
Economic and Educational Opportunities:						
Allocation	−128	122	−2,015	−1,976	−1,534	−11,465
Current level	0	0	0	0	0	0
Difference	128	−122	2,015	1,76	1,534	11,465
Commerce:						
Allocation	−555	−405	−3,619	−11,381	−11,480	−84,935
Current level	0	0	0	6,303	6,303	6,297
Difference	555	405	3,619	17,684	17,783	91,232
International Relations:						
Allocation	−3	−3	0	−19	−19	−6
Current level	0	0	0	0	0	0
Difference	3	3	0	19	19	6
Government Reform and Oversight:						
Allocation	−436	−436	−106	−2,903	−2,903	−2,729
Current level	0	0	0	0	0	6
Difference	436	436	106	2,903	2,903	2,735
House Oversight:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Resources:						
Allocation	−106	−104	0	−2,698	−2,693	0
Current level	−18	−24	0	−141	−148	0
Difference	88	80	0	2,557	2,545	0
Judiciary:						
Allocation	0	0	0	−238	−238	0
Current level	0	0	0	0	0	2
Difference	0	0	0	238	238	2
Transportation and Infrastructure:						
Allocation	−63	−63	0	92,844	−457	0
Current level	0	0	0	0	−2	0
Difference	63	63	0	−92,844	455	0
Science:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Small Business:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Veterans' Affairs:						
Allocation	−79	−79	−195	−686	−686	−2,928
Current level	0	0	−21	0	0	−106
Difference	79	79	174	686	686	2,822
Ways and Means:						
Allocation	−7,163	−7,615	−4,502	−192,899	−193,345	−82,895
Current level	−18	−18	−18	−1,643	−1,643	−1,643
Difference	7,145	7,597	4,484	191,256	191,702	81,252
Unassigned:						
Allocation	306	306	0	4,892	4,892	0
Current level	0	0	0	0	0	0
Difference	−306	−306	0	−4,892	−4,892	0
Total authorized:						
Allocation	−10,868	−10,918	−9,878	−123,506	−216,905	−185,655
Current level	336	327	362	6,173	6,156	6,359
Difference	11,204	11,245	10,240	129,679	223,061	192,014

*=Less than $500,000.

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 1996—COMPARISON OF CURRENT LEVEL WITH SUBALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(b)

[In millions of dollars]

	Revised 602(b) suballocations (Dec. 5, 1995)				Current level				Difference			
	General purpose		Violent crime		General purpose		Violent crime		General purpose		Violent crime	
	BA	O	BA	O	BA	O	BA	O	BA	O	BA	O
Agriculture, Rural Development	13,325	13,608	0	0	13,325	13,581	0	0	0	27	0	0
Commerce, Justice, State	22,810	24,148	3,956	2,113	23,020	23,954	3,038	1,910	−210	194	918	203
Defense	243,042	243,512	0	0	243,037	242,727	0	0	5	785	0	0
District of Columbia	727	727	0	0	0	0	0	0	727	727	0	0
Energy and Water Development	19,562	19,858	0	0	19,336	19,712	0	0	226	146	0	0
Foreign Operations	12,284	13,848	0	0	12,128	13,842	0	0	156	6	0	0
Interior	12,213	13,174	0	0	12,207	13,171	0	0	6	3	0	0
Labor, HHS and Education	61,947	68,380	53	44	62,890	70,949	1	9	−943	−2,569	52	35
Legislative Branch	2,126	2,180	0	0	2,125	2,180	0	0	1	0	0	0
Military Construction	11,178	9,597	0	0	11,177	9,597	0	0	1	0	0	0
Transportation	12,500	36,754	0	0	12,482	36,754	0	0	18	0	0	0
Treasury-Postal Service	11,237	11,542	78	70	11,187	11,490	77	70	50	52	1	0
VA-HUD-Independent Agencies	61,686	74,440	0	0	61,586	74,303	0	0	100	137	0	0
Reserve	437	0	0	0	0	0	0	0	437	0	0	0
Grand total	485,074	531,768	4,087	2,227	484,500	532,260	3,116	1,989	574	−492	971	238

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, February 20, 1996.

Hon. JOHN KASICH,
Chairman, Committee on the Budget, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, this letter and supporting detail provide an up-to-date tabulation of the on-budget current levels of new budget authority, estimated outlays, and estimated revenues for fiscal year 1996. These estimates are compared to the appropriate levels for those items contained in the 1996 Concurrent Resolution on the Budget (H. Con. Res. 67), and are current through February 16, 1996. A summary of this tabulation, my first for fiscal year 1996, follows:

[In millions of dollars]

	House current level	Budget resolution (H. Con. Res. 67)	Current level+/− resolution
Budget authority	1,307,058	1,285,500	+21,558
Outlays	1,310,299	1,288,100	+22,199
Revenues:			
1996	1,039,022	1,042,500	−3,478
1996–2000	5,648,263	5,691,500	−43,237

Sincerely,

JUNE E. O'NEILL.

PARLIAMENTARIAN STATUS REPORT, 104TH CONGRESS, 2D SESSION, HOUSE ON-BUDGET SUPPORTING DETAIL FOR FISCAL YEAR 1996 AS OF CLOSE OF BUSINESS FEBRUARY 16, 1996

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			1,039,122
Permanents and other spending legislation	830,272	789,924	
Appropriation legislation		242,052	
Offsetting receipts	−200,017	−200,017	
Total previously enacted	630,254	840,958	1,039,122
ENACTED IN FIRST SESSION			
Appropriation Bills:			
1995 Rescissions and Department of Defense Emergency Supplementals Act (P.L. 104–6)	−100	−885	
1995 Rescissions and Emergency Supplementals for Disaster Assistance Act (P.L. 104–19)	22	−3,149	
Agriculture (P.L. 104–37)	62,602	45,620	
Defense (P.L. 104–61)	243,301	163,223	
Energy and Water (P.L. 104–46)	19,336	11,502	
Legislative Branch (P.L. 104–53)	2,125	1,977	
Military Construction (P.L. 104–32)	11,177	3,110	
Transportation (P.L. 104–50)	12,682	11,899	
Treasury (P.L. 104–52)	15,080	12,584	
Authorization Bills:			
Self-Employed Health Insurance Act (P.L. 104–7)	−18	−18	−101

PARLIAMENTARIAN STATUS REPORT, 104TH CONGRESS, 2D SESSION, HOUSE ON-BUDGET SUPPORTING DETAIL FOR FISCAL YEAR 1996 AS OF CLOSE OF BUSINESS FEBRUARY 16, 1996—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Alaska Native Claims Settlement Act (P.L. 104–42)	1	1	
Fishermen's Protective Right Amendments of 1995 (P.L. 104–43		(*)	
Perishable Agricultural Commodities Act Amendments of 1995 (P.L. 104–48)	1	(*)	1
Alaska Power Administration Sale Act (P.L. 104–58)	−20	−20	
ICC Termination Act (P.L. 104–88)			(*)
Total enacted first session	366,191	245,845	−100
ENACTED IN SECOND SESSION			
Appropriation Bills:			
Seventh Continuing Resolution (P.L. 104–92)[1]	13,165	11,037	
Ninth Continuing Resolution (P.L. 104–99)[1]	791	−824	
Foreign Operations (P.L. 104–107)	12,104	5,936	
Offsetting receipts	−44	−44	
Authorization Bills:			
Gloucester Marine Fisheries Act (P.L. 104–91)[2]	30,502	19,151	
Smithsonian Commemorative Coin Act (P.L. 104–96)	3	3	
Saddleback Mt.-Arizona Settlement Act of 1995 (P.L. 104–102)		−7	
Telecommunications Act of 1996 (P.L. 104–104)[3]			
Authorization Bills continued:			
Farm Credit System Regulatory Relief Act (P.L. 104–105)	−1	−1	
National Defense Authorization Act, FY 1996 (P.L. 104–106)	369	367	
To award Congressional Gold Medal to Ruth and Billy Graham (P.L. 104–111)	(*)	(*)	
Total enacted second session	56,889	35,618	
CONTINUING RESOLUTION AUTHORITY			
Ninth Continuing Resolution (P.L. 104–99)[4]	116,863	54,882	
ENTITLEMENTS AND MANDATORIES			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted, and including the effects of the Veterans' Compensation Cost-of-Living Adjustment Act of 1995 (P.L. 104–57)	136,862	132,995	
Total Current Level[5]	1,307,058	1,310,299	1,039,022
Total Budget Resolution	1,285,500	1,288,100	1,042,500
Amount remaining:			
Under Budget Resolution			3,478
Over Budget Resolution	21,558	22,199	

[1] P.L. 104–92 and P.L. 104–99 provide funding for appropriated accounts until September 30, 1996.

[2] This bill, also referred to as the sixth continuing resolution for 1996, provides funding until September 30, 1996 for specific appropriated accounts.

[3] The effects of this Act on budget authority, outlays and revenues begin in fiscal year 1997.

[4] This is an annualized estimate of discretionary funding that expires March 15, 1996 for the following appropriation bills: Commerce-Justice, Interior, Labor-HHS-Education and Veterans-HUD.

[5] In accordance with the Budget Enforcement Act, the total does not include $3,417 million in budget authority and $1,599 million in outlays for funding of emergencies that have been designated as such by the President and the Congress.

*Less than $500,000.

Notes: Detail may not add due to rounding.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Ms. DELAURO, for 5 minutes, today.

Mr. DOGGETT, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. PALLONE, for 60 minutes, today.

Mr. OWENS, for 60 minutes, today.

(The following Members (at the request of Mr. HANCOCK) to revise and extend their remarks and include extraneous material:)

Mr. BILIRAKIS, for 5 minutes each day on March 5, 6, and 7.

Mr. SHADEGG, for 5 minutes, today.

Mr. DELAY, for 5 minutes, today.

Mr. WELDON of Pennsylvania, for 5 minutes, today.

Mr. DORNAN, for 5 minutes, today.

Mr. RIGGS, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. PALLONE) and to include extraneous material:)

Mr. ACKERMAN.

Mr. VISCLOSKY.

Mr. BARCIA.

Mr. TOWNS in five instances.

Mr. LANTOS.

Mr. SCHUMER in two instances.

Mr. FRANK of Massachusetts.

Mr. POSHARD in two instances.

(The following Members (at the request of Mr. HANCOCK) and to include extraneous material:)

Mr. DORNAN.

Mr. BAKER of California.

Mr. GILMAN.

Mr. COBLE.
Mrs. JOHNSON of Connecticut.
Mr. LOBIONDO.
Mr. FOX of Pennsylvania.
Mr. BUYER.

(The following Members (at the request of Mr. HANCOCK) and to include extraneous matter:)

Mr. WELLER.
Miss COLLINS of Michigan.
Mr. FUNDERBURK.
Ms. DANNER.
Mr. SOLOMON.
Mr. JOHNSON of South Dakota.
Mr. CLINGER.
Mr. STARK.
Mr. DAVIS.
Ms. LOFGREN.

(The following Members (at the request of Mr. WELDON of Pennsylvania) and to include extraneous matter:)

Mr. EVERTT.
Mr. TOWNS in twelve instances.
Mr. PAYNE of New Jersey.
Mr. KANJORSKI.

ADJOURNMENT

Mr. WELDON of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 18 minutes p.m.), under its previous order, the House adjourned until Monday, March 4, 1996, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2143. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to authorize the transfer of naval vessels to certain foreign countries; to the Committee on International Relations.

2144. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report of activities under the Freedom of Information Act for calendar year 1995, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

2145. A letter from the Chairman, National Labor Relations Board, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1995, pursuant to 31 U.S.C. 3512(C)(3); to the Committee on Government Reform and Oversight.

2146. A letter from the Executive Secretary, National Security Council, transmitting a report of activities under the Freedom of Information Act for calendar year 1995, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GOSS: Committee on Rules. House Resolution 368. Resolution providing for consideration of the bill (H.R. 994) to require the periodic review and automatic termination of Federal regulations (Rept. 104–464). Referred to the House Calendar.

Mr. ARCHER: Committee on Ways and Means. H.R. 2778. A bill to provide that members of the Armed Forces performing services for the peacekeeping effort in the Republic of Bosnia and Herzegovina shall be entitled to certain tax benefits in the same manner as if such services were performed in a combat zone; with amendments (Rept. 104–465). Referred to the Committee of the Whole House on the State of the Union.

Mr. ARCHER: Committee on Ways and Means. H.R. 2853. A bill to authorize the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of Bulgaria (Rept. 104–466). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Ms. DELAURO:

H.R. 2991. A bill to require the U.S. Sentencing Commission to amend the sentencing guidelines to provide that a defendant convicted of a crime receive an appropriate sentence enhancement if the defendant possessed a firearm with a laser sighting device during the crime; to the Committee on the Judiciary.

By Mr. DOOLITTLE (for himself, Mr. SAM JOHNSON, Mr. BURTON of Indiana, Mr. DORNAN, Mr. ISTOOK, Mr. HUTCHINSON, Mr. BARTLETT of Maryland, Mr. HASTINGS of Washington, Mr. CHRISTENSEN, Mr. WELLER, Mr. CUNNINGHAM, Mrs. SEASTRAND, Mr. STOCKMAN, Mr. CREMEANS, Mr. ROHRABACHER, Mr. FROST, Mr. CRANE, Mr. HERGER, Mr. SAXTON, Mr. COOLEY, Mr. HANCOCK, Mr. EWING, Mr. HOSTETTLER, Mr. TIAHRT, Mr. BARR, Mr. WELDON of Florida, Mrs. KELLY, and Mr. ENSIGN):

H.R. 2992. A bill to combat crime; to the Committee on the Judiciary, and in addition to the Committees on Economic and Educational Opportunities, International Relations, Commerce, Resources, and Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOBSON:

H.R. 2993. A bill to establish the Forrestal Institute, and for other purposes; to the Committee on National Security.

By Mrs. JOHNSON of Connecticut (for herself and Mr. MATSUI):

H.R. 2994. A bill to amend the Internal Revenue Code of 1986 to provide for the extension of certain expiring provisions; to the Committee on Ways and Means.

By Mrs. LOWEY:

H.R. 2995. A bill to provide that service of the members of the group known as the United States Cadet Nurse Corps during World War II constituted active military service for the purposes of any law administered by the Department of Veterans' Affairs; to the Committee on Veterans' Affairs, and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCOLLUM:

H.R. 2996. A bill to create a commission to encourage cooperation between public sector law enforcement agencies and private sector security professionals to control crime; to the Committee on the Judiciary.

By Mr. METCALF:

H.R. 2997. A bill to establish certain criteria for administrative procedures to extend Federal recognition to certain Indian groups, and for other purposes; to the Committee on Resources.

By Mr. TORRICELLI:

H.R. 2998. A bill to amend the Internal Revenue Code of 1986 to allow a credit for increases in the worker retraining expenditures of employers; to the Committee on Ways and Means.

H.R. 2999. A bill to amend the Internal Revenue Code of 1986 to exclude certain severance payment amounts from income; to the Committee on Ways and Means.

By Mr. VISCLOSKY (for himself, Mr. HOSTETTLER, Mr. BURTON of Indiana, Mr. BUYER, Mr. HAMILTON, Mr. JACOBS, Mr. MCINTOSH, Mr. MYERS of Indiana, Mr. ROEMER, and Mr. SOUDER):

H.R. 3000. A bill to amend title 23, United States Code, to improve safety at public railway-highway crossings, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. WATERS (for herself, Mr. FRAZER, Mr. PAYNE of New Jersey, Mr. MCDERMOTT, Ms. NORTON, Mr. FAZIO of California, Mr. CONYERS, Mr. DELLUMS, Mr. GENE GREEN of Texas, Mr. SANDERS, Ms. JACKSON-LEE, Mrs. MEEK of Florida, Ms. LOFGREN, Ms. PELOSI, Mrs. MALONEY, Mr. ROMERO-BARCELO, Mr. PASTOR, Mr. FROST, Mrs. CLAYTON, Mr. FILNER, Mrs. MORELLA, Mr. CLYBURN, Ms. BROWN of Florida, Ms. ROYBAL-ALLARD, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MCKINNEY, Ms. VELAZQUEZ and, Mr. FARR):

H.R. 3001. A bill to amend the Public Health Service Act to provide for expanding, intensifying, and coordinating activities of the National Heart, Lung, and Blood Institute with respect to heart attack, stroke, and other cardiovascular diseases in women; to the Committee on Commerce.

By Mr. CLINGER:

H. Res. 369. Resolution to provide to the Committee on Government Reform and Oversight special authorities to obtain testimony for purposes of investigation and study of the White House Travel Office matter; to the Committee on Rules.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 65: Mr. HORN, Mr. WILSON, Mr. PETERSON of Minnesota, Mr. CRANE, Mr. MANTON, Ms. DUNN of Washington, Mr. METCALF, and Mr. HUTCHINSON.

H.R. 103: Mr. ORTIZ.

H.R. 104: Mr. JOHNSTON of Florida.

H.R. 109: Mr. DIXON.

H.R. 294: Mr. MCHUGH, Mr. NEAL of Massachusetts, Mr. BRYANT of Texas, and Mr. LAFALCE.

H.R. 303: Mr. HORN, Mr. WILSON, Mr. SENSENBRENNER, Mr. PETERSON of Minnesota, Mr. CRANE, Ms. DUNN of Washington, Mr. METCALF, and Mr. JEFFERSON.

H.R. 447: Mr. CLYBURN.

H.R. 777: Mr. LATOURETTE, Mr. TATE, and Mr. TIAHRT.

H.R. 778: Mr. LATOURETTE and Mr. TIAHRT.

H.R. 833: Mr. MEEHAN, Mr. YATES, and Mr. FILNER.

H.R. 957: Mr. WELDON of Pennsylvania and Mrs. ROUKEMA.

H.R. 972: Mr. ANDREWS and Mr. JOHNSON of South Dakota.
H.R. 1042: Mr. HAYWORTH.
H.R. 1202: Mr. NEAL of Massachusetts and Mr. POSHARD.
H.R. 1279: Mr. BLILEY, Mr. SCARBOROUGH, Mr. CRANE, and Mrs. FOWLER.
H.R. 1406: Mr. HINCHEY, Mr. FRANK of Massachusetts, Ms. MCCARTHY, and Mrs. CHENOWETH.
H.R. 1483: Mr. JOHNSON of South Dakota.
H.R. 1493: Mr. KLINK.
H.R. 1500: Mr. COSTELLO and Ms. JACKSON-LEE.
H.R. 1575: Mr. EMERSON.
H.R. 1610: Mr. BONO.
H.R. 1627: Mr. DICKS and Mr. WAMP.
H.R. 1684: Mr. GINGRICH, Mr. CANADY, Mrs. MYRICK, Mr. DEUTSCH, Mr. CLEMENT, Mr. HASTERT, Mr. HILLIARD, Mr. EWING, Mr. ROTH, Mr. MILLER of California, Mr. COX, Mr. REGULA, Mr. BRYANT of Texas, Mr. FLANAGAN, Mr. SOUDER, and Mrs. MALONEY.
H.R. 1711: Mr. ROTH and Mr. EWING.
H.R. 1776: Ms. SLAUGHTER, Mr. LEVIN, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. CLAYTON, Mr. RAHALL, Mr. LARGENT, Mr. BISHOP, Ms. MOLINARI, Mr. COBURN, and Mr. MOORHEAD.
H.R. 1801: Mr. CAMP.
H.R. 1828: Mr. GENE GREEN of Texas, Mr. DORNAN, Mr. HALL of Texas, Mr. FRAZER, Mr. WILSON, Mrs. FOWLER, and Mr. FROST.
H.R. 1884: Mr. HASTINGS of Florida.
H.R. 2128: Mr. CRANE, Mr. BARTLETT of Maryland, Mr. CAMPBELL, and Mr. DEAL of Georgia.
H.R. 2167: Mr. ABERCROMBIE, Mr. CRAMER, Mr. ENGEL, Mrs. LOWEY, Mr. MARKEY, Mr. SMITH of New Jersey, Mr. MATSUI, Mr. FROST, Ms. DELAURO, Mr. STUDDS, and Mr. ALLARD.
H.R. 2214: Mr. FRANK of Massachusetts.
H.R. 2306: Mr. JOHNSTON of Florida and Mr. TAYLOR of North Carolina.
H.R. 2320: Mr. HAYES, Ms. LOFGREN, Mr. WHITFIELD, Mr. OXLEY, Mr. KLUG, Mr. BLUTE, Mr. BILBRAY, Mr. COBURN, Mrs. MYRICK, Mr. PETRI, Mr. SHUSTER, Mr. JOHNSTON of Florida, and Mr. SCHIFF.
H.R. 2323: Mr. JOHNSON of South Dakota and Mr. EHLERS.
H.R. 2333: Mr. LAUGHLIN and Mr. BONILLA.
H.R. 2344: Mr. ROMERO-BARCELÓ.
H.R. 2429: Mr. MASCARA, Mr. CARDIN, and Mr. SANDERS.
H.R. 2458: Mr. FOLEY, Mr. YATES, Mr. ACKERMAN, Mr. TORRES, Mr. COYNE, and Mr. TOWNS.
H.R. 2463: Mr. HASTINGS of Florida.
H.R. 2498: Mr. LIPINSKI.
H.R. 2499: Mr. LIPINSKI.
H.R. 2506: Mr. OBERSTAR and Mr. CRAPO.
H.R. 2548: Mr. BARTLETT of Maryland, Mr. ROBERTS, Mr. GOODLATTE, Mr. SCHAEFER, and Mr. LEWIS of Kentucky.
H.R. 2566: Mr. MCDERMOTT.
H.R. 2602: Mr. FOLEY.
H.R. 2607: Mr. MCCOLLUM, Mr. MONTGOMERY, Mr. DOYLE, Mr. TOWNS, Mr. SCARBOROUGH, Mr. WARD, Ms. NORTON, Mr. FALEOMAVAEGA, Mr. MCNULTY, Mr. MANTON, Mr. ACKERMAN, Mr. FRELINGHUYSEN, Mr. FILNER, Mr. FROST, Mr. ENGLISH of Pennsylvania, Ms. SLAUGHTER, Mr. GENE GREEN of Texas, Mr. VISCLOSKY, and Mr. PALLONE.
H.R. 2635: Mr. ENGLISH of Pennsylvania.
H.R. 2641: Mr. SCHUMER.
H.R. 2651: Mr. OBERSTAR, Mr. SCARBOROUGH, Mr. SMITH of Michigan, Mr. BARTLETT of Maryland, and Mr. YOUNG of Alaska.
H.R. 2723: Mr. LINDER.
H.R. 2727: Mrs. MYRICK, Mr. COBURN, and Mr. BARTLETT of Maryland.
H.R. 2745: Mr. FAWELL, Mr. GOSS, Mr. MARTINEZ, Mr. STOKES, Mr. LAZIO of New York, Mr. SCHUMER, and Mr. MCNULTY.
H.R. 2803: Mr. PETRI and Mr. KLECZKA.
H.R. 2807: Mr. WELDON of Pennsylvania.
H.R. 2820: Mr. BREWSTER, Mr. ACKERMAN, Mr. BARTLETT of Maryland, Mr. HANCOCK, Mr. DOOLEY, Mr. ENGEL, and Mr. MCCOLLUM.
H.R. 2867: Mr. BAKER of Louisiana, Mr. WELDON of Florida, Mr. NETHERCUTT, Mr. ROGERS, Mr. HANCOCK, Mr. GRAHAM, and Mr. TIAHRT.
H.R. 2900: Mr. BARRETT of Nebraska, Mr. BONO, and Mr. COBURN.
H.R. 2908: Mrs. SMITH of Washington, Mr. NETHERCUTT, Mr. TATE, Ms. DUNN of Washington, and Mr. HERGER.
H.R. 2922: Mr. FROST.
H.R. 2928: Mrs. CHENOWETH and Mr. HUTCHINSON.
H.R. 2933: Mr. EVANS, Ms. LOFGREN, and Mr. BROWN of Ohio.
H.R. 2938: Mr. WHITFIELD, Mr. GREENWOOD, Mr. DUNCAN, Mr. SCHAEFER, and Mr. PAYNE of Virginia.
H.R. 2959: Mr. CONYERS, Mr. ANDREWS, Mr. PAYNE of New Jersey, and Mr. FOLEY.
H.R. 2972: Mr. GILLMOR, Mr. KLUG, Mr. FRISA, and Mr. HASTERT.
H.R. 2976: Mr. FRISA, Mr. HANSEN, Mr. JACOBS, Mr. LEACH, Mr. LIGHTFOOT, Ms. NORTON, Mr. THOMPSON, and Mrs. THURMAN.
H.R. 2979: Mr. COBURN.
H. Con. Res. 5: Mr. HERGER.
H. Con. Res. 23: Mr. COSTELLO, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MARKEY, Mr. CLEMENT, and Mr. ROMERO-BARCELO.
H. Con. Res. 31: Mr. DOYLE.
H. Con. Res. 102: Mrs. MEYERS of Kansas.
H. Con. Res. 103: Mr. FOGLIETTA and Ms. FURSE.
H. Con. Res. 120: Mr. MCINTOSH, Mr. LEVIN, Mr. FRANK of Massachusetts, Mr. LIPINSKI, Ms. SLAUGHTER, Mr. SMITH of New Jersey, Mr. BATEMAN, Mr. FOGLIETTA, and Mrs. MALONEY.
H. Con. Res. 125: Mr. SENSENBRENNER.
H. Con. Res. 135: Mr. LEWIS of Georgia, Mr. BROWN of Ohio, Mr. MEEHAN, and Ms. NORTON.
H. Con. Res. 138: Mr. MANZULLO, Mr. PAYNE of New Jersey, Mr. PORTER, Mr. FUNDERBURK, and Mrs. MORELLA.
H. Con. Res. 140: Mr. PAYNE of New Jersey, Mr. FUNDERBURK, Mr. TORKILDSEN, Ms. NORTON, Mr. UNDERWOOD, Mrs. MEEK of Florida, and Mr. HASTINGS of Florida.
H. Res. 30: Mr. CLEMENT, Mr. LATOURETTE, Mr. POSHARD, Mr. FRANKS of Connecticut, and Mr. LOBIONDO.
H. Res. 114: Mr. ANDREWS.
H. Res. 286: Mrs. SCHROEDER, Mr. MINGE, Mr. POSHARD, Mr. FILNER, and Mr. BARRETT of Wisconsin.
H. Res. 347: Mr. BROWN of Ohio, Mrs. MEEK of Florida, Mr. STOCKMAN, Ms. NORTON, and Mr. HALL of Ohio.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 491: Mr. GEJDENSON.
H.R. 1202: Mr. TEJEDA.
H.R. 1834: Mr. METCALF.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petition:

Petition 9 by Mr. CONDIT on House Resolution 333: Zoe Lofgren and Anna G. Eshoo.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 994

OFFERED BY: MR. HYDE

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 1: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Small Business Growth and Administrative Accountability Act of 1996''.

TITLE I—STRENGTHENING REGULATORY FLEXIBILITY

SEC. 101. JUDICIAL REVIEW.

(a) AMENDMENT.—Section 611 of title 5, United States Code, is amended to read as follows:

''§ 611. Judicial review

''(a)(1) Not later than one year, notwithstanding any other provision of law, after the effective date of a final rule with respect to which an agency—

''(A) certified, pursuant to section 605(b), that such rule would not have a significant economic impact on a substantial number of small entities; or

''(B) prepared a final regulatory flexibility analysis pursuant to section 604,

an affected small entity may petition for the judicial review of such certification or analysis in accordance with the terms of this subsection. A court having jurisdiction to review such rule for compliance with the provisions of section 553 or under any other provision of law shall have jurisdiction to review such certification or analysis. In the case where an agency delays the issuance of a final regulatory flexibility analysis pursuant to section 608(b), a petition for judicial review under this subsection shall be filed not later than one year, notwithstanding any other provision of law, after the date the analysis is made available to the public.

''(2) For purposes of this subsection, the term 'affected small entity' means a small entity that is or will be adversely affected by the final rule.

''(3) Nothing in this subsection shall be construed to affect the authority of any court to stay the effective date of any rule or provision thereof under any other provision of law.

''(4)(A) In the case where the agency certified that such rule would not have a significant economic impact on a substantial number of small entities, the court may order the agency to prepare a final regulatory flexibility analysis pursuant to section 604 if the court determines, on the basis of the rulemaking record, that the certification was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.

''(B) In the case where the agency prepared a final regulatory flexibility analysis, the court may order the agency to take corrective action consistent with the requirements of section 604 if the court determines, on the basis of the rulemaking record, that the final regulatory flexibility analysis was prepared by the agency without observance of procedure required by section 604.

''(5) If, by the end of the 90-day period beginning on the date of the order of the court pursuant to paragraph (4) (or such longer period as the court may provide), the agency fails, as appropriate—

''(A) to prepare the analysis required by section 604; or

''(B) to take corrective action consistent with the requirements of section 604,

the court may stay the rule or grant such other relief as it deems appropriate.

''(6) In making any determination or granting any relief authorized by this subsection, the court shall take due account of the rule of prejudicial error.

''(b) In an action for the judicial review of a rule, any regulatory flexibility analysis for such rule (including an analysis prepared or corrected pursuant to subsection (a)(4)) shall constitute part of the whole record of agency action in connection with such review.

''(c) Nothing in this section bars judicial review of any other impact statement or similar analysis required by any other law if judicial review of such statement or analysis is otherwise provided by law.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply only to final agency rules issued after the date of enactment of this Act.

SEC. 102. RULES COMMENTED ON BY SBA CHIEF COUNSEL FOR ADVOCACY.

(a) IN GENERAL.—Section 612 of title 5, United States Code, is amended by adding at the end the following new subsection:

''(d) ACTION BY THE SBA CHIEF COUNSEL FOR ADVOCACY.—

''(1) TRANSMITTAL OF PROPOSED RULES AND INITIAL REGULATORY FLEXIBILITY ANALYSIS TO SBA CHIEF COUNSEL FOR ADVOCACY.—On or before the 30th day preceding the date of publication by an agency of general notice of proposed rulemaking for a rule, the agency shall transmit to the Chief Counsel for Advocacy of the Small Business Administration—

''(A) a copy of the proposed rule; and

''(B)(i) a copy of the initial regulatory flexibility analysis for the rule if required under section 603; or

''(ii) a determination by the agency that an initial regulatory flexibility analysis is not required for the proposed rule under section 603 and an explanation for the determination.

''(2) STATEMENT OF EFFECT.—On or before the 15th day following receipt of a proposed rule and initial regulatory flexibility analysis from an agency under paragraph (1), the Chief Counsel for Advocacy may transmit to the agency a written statement of the effect of the proposed rule on small entities.

''(3) RESPONSE.—If the Chief Counsel for Advocacy transmits to an agency a statement of effect on a proposed rule in accordance with paragraph (2), the agency shall publish the statement, together with the response of the agency to the statement, in the Federal Register at the time of publication of general notice of proposed rulemaking for the rule.

''(4) SPECIAL RULE.—Any proposed rules issued by an appropriate Federal banking agency (as that term is defined in section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)), the National Credit Union Administration, or the Office of Federal Housing Enterprise Oversight, in connection with the implementation of monetary policy or to ensure the safety and soundness of federally insured depository institutions, any affiliate of such an institution, credit unions, or government sponsored housing enterprises or to protect the Federal deposit insurance funds shall not be subject to the requirements of this subsection.''.

(b) CONFORMING AMENDMENT.—Section 603(a) of title 5, United States Code, is amended by inserting ''in accordance with section 612(d)'' before the period at the end of the last sentence.

SEC. 103. SENSE OF CONGRESS REGARDING SBA CHIEF COUNSEL FOR ADVOCACY.

It is the sense of Congress that the Chief Counsel for Advocacy of the Small Business Administration should be permitted to appear as amicus curiae in any action or case brought in a court of the United States for the purpose of reviewing a rule.

TITLE II—ADMINISTRATIVE REVIEW

SEC. 201. SHORT TITLE.

This title may be cited as the ''Administrative Review Act of 1996''.

SEC. 202. PURPOSE.

The purposes of this title are—

(1) to require agencies to regularly review their major rules to determine whether they should be continued without change, modified, consolidated with another rule, or terminated;

(2) to require agencies to consider the comments of the public, the regulated community, and the Congress regarding the actual costs and burdens of rules being reviewed under this title and whether the rules are obsolete, unnecessary, duplicative, conflicting, or otherwise inconsistent;

(3) to require that any rules continued in effect under this title meet all the legal requirements that would apply to the issuance of a new rule;

(4) to provide for the repeal, continuation, or other change in such major rules in accordance with chapters 5 and 7 of title 5, United States Code;

(5) to provide for a process that allows the public and appropriate committees of the Congress to request that rules that are not major rules be reviewed in the same manner as major rules; and

(6) to require the Administrator to coordinate and be responsible for administrative reviews conducted by the agencies.

SEC. 203. REVIEW OF REGULATIONS.

A covered rule shall be subject to administrative review in accordance with section 205. Upon completion of such review, the agency which has jurisdiction over such rule shall conduct a rulemaking in accordance with section 208 to continue such rule without change, modify it, or consolidate it with another rule or terminate such rule.

SEC. 204. RULES COVERED.

(a) COVERED RULES.—For purposes of this title, a covered rule is a rule that—

(1) is determined by the Administrator to be a major rule under subsection (b);

(2) is designated for administrative review by the Administrator in response to a petition or request under subsection (c) or (d), or

(3) is a rule related to a rule described in paragraph (1) or (2) that is designated for administrative review by the Administrator under section 205(a)(3) to allow for a comprehensive administrative review.

(b) MAJOR RULE.—For purposes of this title, the term ''major rule'' means any rule that the Administrator determines has resulted in or is likely to result in—

(1) an annual effect on the economy of $100,000,000 or more;

(2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets.

(c) PUBLIC PETITIONS.—

(1) IN GENERAL.—Any interested person may submit a petition to the Administrator requesting that the Administrator designate any rule that is not a major rule for administrative review. The Administrator shall designate the rule for administrative review unless the Administrator determines that it would not be in the public interest to conduct an administrative review of the rule. In making such determination, the Administrator shall take into account the number and nature of other petitions received on the same rule, whether or not they have already been denied.

(2) FORM AND CONTENT OF PETITION.—A petition under paragraph (1)—

(A) shall be in writing, but is not otherwise required to be in any particular form;

(B) shall identify the rule for which administrative review is requested with reasonable specificity and state on its face that the petitioner seeks administrative review of the rule;

(C) shall explain why the petitioner is an interested person; and

(D) shall be accompanied by a $20 processing fee.

(3) RESPONSE REQUIRED FOR NONCOMPLYING PETITIONS.—If the Administrator determines that a petition does not meet the requirements of this subsection, the Administrator shall provide a response to the petitioner within 30 days after receiving the petition, notifying the petitioner of the problem and providing information on how to formulate a petition that meets those requirements.

(4) DECISION.—Within the 90-day period beginning on the date of receiving a petition that meets the requirements of this subsection, the Administrator shall transmit a response to the petitioner stating whether the petition was granted or denied, except that the Administrator may extend such period by a total of not more than 30 days.

(5) PETITIONS DEEMED GRANTED FOR SUBSTANTIAL INEXCUSABLE DELAY.—A petition for administrative review of a rule is deemed to have been granted by the Administrator, and the Administrator is deemed to have designated the rule for administrative review, if a court finds there is a substantial and inexcusable delay, beyond the period specified in paragraph (4), in notifying the petitioner of the Administrator's determination to grant or deny the petition.

(6) PUBLIC LOG.—The Administrator shall maintain a public log of petitions submitted under this subsection, that includes the status or disposition of each petition.

(d) CONGRESSIONAL REQUESTS.—

(1) IN GENERAL.—An appropriate committee of the Congress, by a majority vote of the members of the committee voting, may request in writing that the Administrator designate any rule that is not a major rule for administrative review. The Administrator shall designate such rule for administrative review within 30 days after receipt of such a request unless the Administrator determines that it would not be in the public interest to conduct an administrative review of such rule.

(2) NOTICE OF DENIAL.—If the Administrator denies a congressional request under this subsection, the Administrator shall transmit to the congressional committee making the request a notice stating the reasons for the denial.

(e) PUBLICATION OF NOTICE OF ADMINISTRATIVE REVIEW.—After the Administrator determines that a rule is a major rule or designates a rule for administrative review under subsection (a), the Administrator shall promptly publish a notice of that determination or designation in the Federal Register.

SEC. 205. ADMINISTRATIVE REVIEW PROCEDURES.

(a) FUNCTIONS OF THE ADMINISTRATOR.—

(1) NOTICE OF RULES SUBJECT TO REVIEW.—

(A) INVENTORY AND FIRST LIST.—Within 6 months after the date of the enactment of this title, the Administrator shall complete an inventory of rules in effect on such date of enactment and determine which of such rules are major rules pursuant to section 204(b). The agencies with jurisdiction over rules shall assist the Administrator in conducting such an inventory. Upon completion of the inventory, the Administrator shall publish in the Federal Register a first list of covered rules. The list shall—

(i) specify the particular group to which each major rule in the list is assigned under

paragraph (2), and, in accordance with paragraph (2), state the final rulemaking deadline for all major rules in each such group; and

(ii) include other covered rules and state the final rulemaking deadline for each such rule.

(B) SUBSEQUENT LISTS.—After publication of the first list under subparagraph (A), the Administrator shall publish in the Federal Register an updated list of covered rules at least annually, specifying the final rulemaking deadline for each rule on the list.

(2) GROUPING OF MAJOR RULES IN FIRST LIST.—

(A) STAGGERED REVIEW.—The Administrator shall assign each major rule in effect on the date of enactment of this title to one of the 5 groups described in section 206(a)(1) to permit orderly and prioritized administrative reviews, and specify for each group the applicable final rulemaking deadline in accordance with such section.

(B) PRIORITIZATIONS.—In determining which rules shall be given priority in time in that assignment, the Administrator shall consult with appropriate agencies, and shall prioritize rules based on—

(i) the grouping of related rules in accordance with paragraph (3);

(ii) the extent of the cost of each rule on the regulated community and the public, with priority in time given to those rules that impose the greatest cost;

(iii) consideration of the views of affected persons, including State and local governments;

(iv) whether a particular rule has recently been subject to cost/benefit analysis and risk assessment, with priority in time given to those rules that have not been subject to such analysis and assessment;

(v) whether a particular rule was issued under a statutory provision that provides broad discretion to an official in issuing the rule, with priority in time given to those rules that were issued under provisions that provide broad discretion;

(vi) the burden of reviewing each rule on the reviewing agency; and

(vii) the need for orderly processing and the timely completion of the administrative reviews of existing rules.

(3) GROUPING OF RELATED RULES.—

(A) IN GENERAL.—The Administrator shall group related rules under paragraph (2) (and designate other rules) for simultaneous administrative review based upon their subject matter similarity, functional interrelationships, and other relevant factors to ensure comprehensive and coordinated review of redundant, overlapping, and conflicting rules and requirements.

(B) INCLUSION FOR REVIEW.—The Administrator shall designate under section 204(a)(3) any rule for administrative review that is necessary for a comprehensive administrative review whether or not such other rule is otherwise a covered rule under paragraph (1) or (2) of section 204(a).

(C) SIMULTANEOUS REVIEW.—The Administrator shall coordinate with agencies to ensure simultaneous administrative reviews of related rules without regard to whether they were issued by the same agency.

(4) GUIDANCE.—The Administrator shall provide timely guidance to agencies on the conduct of administrative reviews and the preparation of administrative review notices and reports required by this section to ensure uniform, complete, and timely administrative reviews and to ensure notice and opportunity for public comment consistent with this section and section 208.

(b) AGENCY ADMINISTRATIVE REVIEW PROCEDURE.—

(1) ADMINISTRATIVE REVIEW NOTICE.—At least 3½ years before the final rulemaking deadline under section 206(a) for a covered rule, the agency that has jurisdiction over the rule shall—

(A) publish an administrative review notice in accordance with section 207(a) in the Federal Register and, to the extent reasonable and practicable, in other publications or media that are designed to reach those persons most affected by the covered rule; and

(B) request the views of the Administrator and the appropriate committees of the Congress on whether to continue without change, modify, consolidate, or terminate the covered rule.

(2) ADMINISTRATIVE REVIEW REPORT.—The agency shall consider the public comments and other recommendations generated by the administrative review notice and shall consult with the appropriate committees of the Congress before issuing an administrative review report. At least 2 years before the final rulemaking deadline of the covered rule, the agency shall publish with respect to such rule an administrative review report in the Federal Register that includes a notice of proposed rulemaking in accordance with section 207(b) and transmit such administrative review report to the Administrator and the appropriate committees of the Congress.

(3) OPEN PROCEDURES REGARDING ADMINISTRATIVE REVIEW.—In any administrative review conducted pursuant to this title, the agency conducting the review shall make a written record describing contacts and the subject of all contacts the agency or Administrator made with non-governmental persons outside the agency relating to such review. The written record of such contact shall be made available, upon request, to the public.

SEC. 206. FINAL RULEMAKING DEADLINES FOR COVERED RULES.

(a) IN GENERAL.—For purposes of this title, the final rulemaking deadline of a covered rule is as follows:

(1) EXISTING MAJOR RULES.—For a major rule in effect on the date of the enactment of this title, the initial final rulemaking deadline is the last day of the 5-year, 6-year, 7-year, 8-year, or 9-year period beginning on the date of the enactment of this title, as specified by the Administrator under section 205(a)(2)(A). For any major rule that 6 months after such date of enactment is not assigned to such a group specified under section 205(a)(2)(A), the initial final rulemaking deadline is the last day of the 5-year period beginning on such date of enactment.

(2) NEW MAJOR RULES.—For a major rule that first takes effect after the date of the enactment of this title, the initial final rulemaking deadline is the last day of the 7-year period beginning on the date the rule first takes effect.

(3) RULES COVERED PURSUANT TO PUBLIC PETITION OR CONGRESSIONAL REQUEST.—For any rule subject to administrative review pursuant to a public petition under section 204(c) or a congressional request under section 204(d), the initial final rulemaking deadline is the last day of the 4-year period beginning on—

(A) the date the Administrator so designates the rule for review; or

(B) the date of issuance of a final court order that the Administrator is deemed to have designated the rule for administrative review.

(4) RELATED RULE DESIGNATED FOR REVIEW.—For a rule that the Administrator designates under section 205(a)(3) for administrative review because it is related to another covered rule and that is grouped with that other rule for simultaneous review, the initial final rulemaking deadline is the same as the final rulemaking deadline for that other rule.

(5) EXTENSION.—The President may extend the final rulemaking deadline established under paragraph (1), (2), (3), or (4) for a period of up to 6 months by publishing a notice of such extension in the Federal Register together with an explanation of the basis for such extension.

(6) NEW FINAL RULEMAKING DEADLINE AFTER FINAL AGENCY ACTION.—For a rule that has undergone administrative review and rulemaking pursuant to this title and that has not been terminated, the next final rulemaking deadline date is the last day of the 7-year period beginning on the effective date of the rule as continued or as newly promulgated under section 208.

(b) LIMITATION ON INTERIM REVIEWS.—An agency may not undertake a comprehensive review and significant revision of a covered rule more frequently than required by this title or another law, unless the head of the agency determines that the likely benefits from such review and revision outweigh the reasonable expenditures that have been made in reliance on the rule as in effect before such revision. For purposes of this section, a law may be considered to require a comprehensive review and significant revision of a rule if it makes significant changes in the Act under which the rule was issued.

(c) DETERMINATIONS WHERE RULES HAVE BEEN AMENDED.—For purposes of this title, if various provisions of a covered rule were issued at different times, then the rule as a whole shall be treated as if it were issued on the later of—

(1) the date of issuance of the provision of the rule that was issued first; or

(2) the date the most recent comprehensive review and significant revision of the rule was completed.

(d) COMPREHENSIVE REVIEW AND SIGNIFICANT REVISION.—In this section, the term ''comprehensive review and significant revision'' includes an administrative review and final rulemaking under this title, whether or not the rule is revised.

SEC. 207. ADMINISTRATIVE REVIEW NOTICES AND AGENCY REPORTS.

(a) ADMINISTRATIVE REVIEW NOTICES.—The administrative review notice under section 205(b)(1) for a rule shall request public comment and contain—

(1) a request for comments regarding whether the rule should be continued without change, modified, consolidated with another rule, or terminated;

(2) if applicable, a request for comments regarding whether the rule meets the applicable Federal cost/benefit and risk assessment criteria; and

(3) a request for comments about the past implementation and effects of the rule, including—

(A) the direct and indirect costs incurred because of the rule, including the net reduction in the value of private property (whether real, personal, tangible, or intangible), and whether the incremental benefits of the rule exceeded the incremental costs of the rule, both generally and regarding each of the specific industries and sectors it covers;

(B) whether the rule as a whole, or any major feature of it, is outdated, obsolete, or unnecessary, whether by change of technology, the marketplace, or otherwise;

(C) the extent to which the rule or information required to comply with the rule duplicated, conflicted, or overlapped with requirements under rules of other agencies;

(D) in the case of a rule addressing a risk to health or safety or the environment, what the perceived risk was at the time of issuance and to what extent the risk predictions were accurate;

(E) whether the rule unnecessarily impeded domestic or international competition or unnecessarily intruded on free market forces,

and whether the rule unnecessarily interfered with opportunities or efforts to transfer to the private sector duties carried out by the Government;

(F) whether, and to what extent, the rule imposed unfunded mandates on, or otherwise adversely affected, State and local governments;

(G) whether compliance with the rule required substantial capital investment and whether terminating the rule on the next final rulemaking deadline would create an unfair advantage to those who are not in compliance with it;

(H) whether the rule constituted the least costly, most cost-effective, or least burdensome alternative that achieved its objective consistent with the criteria of the Act under which the rule was issued, and to what extent the rule provided flexibility to those who were subject to it;

(I) whether the rule was worded simply and clearly, including clear identification of those who were subject to the rule;

(J) whether the rule created negative unintended consequences;

(K) the extent to which information requirements under the rule can be reduced; and

(L) the extent to which the rule has contributed positive benefits, particularly health or safety or environmental benefits.

(b) ADMINISTRATIVE REVIEW REPORT.—The administrative review report under section 205(b)(2) on the administrative review of a rule shall—

(1) contain the factual findings and legal conclusions of the agency conducting the review regarding the application of section 208(b) to the rule and the agency's proposed recommendation as to whether the rule should be continued without change, modified, consolidated with another rule, or terminated;

(2) in the case of a rule that the agency proposes to continue without change, to modify, or to consolidate with another rule, contain—

(A) a notice of proposed rulemaking under section 553 of title 5, United States Code or under other statutory rulemaking procedures required for that rule, and

(B) the text of the rule as so continued without change, modified, or consolidated; and

(3) in the case of a rule that the agency proposes to terminate, contain a notice of proposed rulemaking for termination consistent with paragraph (2)(A).

SEC. 208. RULEMAKING.

(a) IN GENERAL.—After publication of the administrative review report, the agency which conducted such administrative review shall conduct the rulemaking which is called for in such report. The notice of proposed rulemaking published in the administrative review report pursuant to sections 205(b)(2) and 207(b) shall constitute publication of the notice required by section 553 of title 5, United States Code or other statutory rulemaking procedure required for that rule.

(b) COMPLIANCE WITH OTHER LAWS.—In order for any rule subject to administrative review to continue without change or to be modified or consolidated in accordance with this title, such rule must be authorized by law, and meet the same statutory requirements that would apply as if it were issued as a new rule pursuant to chapter 5 of title 5, United States Code, or other applicable statutory rulemaking procedure.

(c) PRESIDENTIAL REVIEW.—After an agency determines to take action under subsection (a), the agency, not later than 60 days before taking final agency action, shall notify the President of such action. Before the expiration of such 60 days, the President may, on the basis of the record of such rulemaking, direct the agency to take a different action.

(d) REISSUANCE.—If a covered rule is terminated under rulemaking begun under subsection (a), a rule may not be reissued in substantially the same form unless—

(1) the President approves the reissuance of such rule; and

(2) the rule as reissued complies with the criteria of subsection (b) and results from a rulemaking in accordance with chapter 5 of title 5, United States Code, or other applicable statute or statutory rulemaking procedure.

(e) PRESERVATION OF INDEPENDENCE OF FEDERAL BANK REGULATORY AGENCIES.—The head of any appropriate Federal banking agency (as that term is defined in section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)), the Federal Housing Finance Board, the National Credit Union Administration, and the Office of Federal Housing Enterprise Oversight shall have the authority with respect to that agency that would otherwise be granted to the President in subsections (c) and (d).

SEC. 209. DESIGNATION OF AGENCY REGULATORY REVIEW OFFICERS.

The head of each agency shall designate an officer of the agency as the Regulatory Review Officer of the agency. The Regulatory Review Officer of an agency shall be responsible for the implementation of this title by the agency and shall report directly to the head of the agency and the Administrator with respect to that responsibility.

SEC. 210. RELATIONSHIP TO OTHER LAW; SEVERABILITY.

(a) RELATIONSHIP TO APA.—Nothing in this title is intended to supersede the provisions of chapters 5, 6, and 7 of title 5, United States Code.

(b) SEVERABILITY.—If any provision of this title, or the application of any provision of this title to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this title, shall not be affected thereby.

SEC. 211. JUDICIAL REVIEW.

(a) IN GENERAL.—A denial or substantial inexcusable delay in granting or denying a petition under section 204(c) shall be considered final agency action subject to review under section 702 of title 5, United States Code. A denial of a congressional request under section 204(d) shall not be subject to judicial review.

(b) TIME LIMITATION ON FILING A CIVIL ACTION.—Notwithstanding any other provisions of law, an action seeking judicial review of a final agency action under this title may not be brought—

(1) in the case of a final agency action denying a public petition under section 204(c) or continuing without change, modifying, consolidating, or terminating a covered rule, more than 30 days after the date of that final agency action; or

(2) in the case of an action challenging a delay in deciding on a petition for a rule under section 204(c), more than 1 year after the period applicable to the rule under section 204(c)(4).

(c) AVAILABILITY OF JUDICIAL REVIEW UNAFFECTED.—Except to the extent that there is a direct conflict with the provisions of this title, nothing in this title is intended to affect the availability or standard of judicial review for agency regulatory action.

(d) ACTION TO COMPEL AGENCY ACTION.—

(1) IN GENERAL.—If there has been no final rulemaking action on a rule subject to administrative review by the applicable final rulemaking deadline specified in section 206(a), the agency's inaction shall be presumed to be agency action unlawfully withheld or unreasonably delayed.

(2) COURT ORDER.—If a court determines that an agency's inaction constitutes agency action unlawfully withheld or unreasonably delayed, the court shall order the agency to complete final rulemaking by a date certain. The date certain may not be more than 2 years beyond the final rulemaking deadline specified in section 206(a) for such rule.

(3) SUSPENSION.—If a court enters an order pursuant to paragraph (2) and the agency does not complete the final rulemaking by the deadline specified in such order, the court may suspend the effectiveness of all or a portion of the covered rule which was the basis of such rulemaking until such date as the agency completes such final rulemaking.

SEC. 212. EFFECT OF TERMINATION OR SUSPENSION OF A COVERED RULE.

(a) EFFECT OF TERMINATION OR SUSPENSION GENERALLY.—If a covered rule is terminated or suspended pursuant to this title—

(1) this title shall not be construed to prevent the President or an agency from exercising any authority that otherwise exists to implement the statute under which the rule was issued;

(2) in an agency proceeding or court action between an agency and a non-agency party, the rule shall be given no conclusive effect but may be submitted as evidence of a prior agency practice or procedure; and

(3) this title shall not be construed to prevent the continuation or institution of any enforcement action that is based on a violation of the rule that occurred before the effectiveness of the rule terminated or was suspended.

(b) EFFECT ON DEADLINES.—

(1) IN GENERAL.—Any deadline for, relating to, or involving any action dependent upon, any rule terminated or suspended under this title is suspended until the agency that issued the rule issues a new rule on the same matter, unless otherwise provided by a law.

(2) DEADLINE DEFINED.—In this subsection, the term ''deadline'' means any date certain for fulfilling any obligation or exercising any authority established by or under any Federal rule, or by or under any court order implementing any Federal rule.

SEC. 213. DELEGATION.

Section 301 of title 3, United States Code, shall apply to any delegation by the President of authority under this title, except that the President may delegate the functions of the President under this title to any officer of the executive branch.

SEC. 214. DEFINITIONS.

In this title:

(1) ADMINISTRATIVE REVIEW.—The term ''administrative review'' means a review of a rule under section 206.

(2) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Office of Information and Regulatory Affairs in the Office of Management and Budget.

(3) AGENCY.—The term ''agency'' has the meaning given that term in section 551(1) of title 5, United States Code.

(4) APPROPRIATE COMMITTEE OF THE CONGRESS.—The term ''appropriate committee of the Congress'' means, with respect to a rule, each standing committee of Congress having jurisdiction under the rules of the House of Representatives or the Senate to report a bill to amend the provision of law under which the rule is issued.

(5) FINAL RULEMAKING DEADLINE.—The term ''final rulemaking deadline'' means the date by which an agency must complete its final rulemaking action under section 208.

(6) RULE.—

(A) GENERAL RULE.—Subject to subparagraph (B), the term ''rule'' means any agency

statement, including agency guidance documents, which are designed to implement, interpret, or prescribe law or policy or to describe the procedures or practices of an agency, which are intended to assist in such actions, and which are of general applicability and future effect, but does not include—

(i) regulations or other agency statements issued in accordance with formal rulemaking provisions of sections 556 and 557 of title 5, United States Code, or in accordance with other statutory rulemaking procedures that provide the same safeguard for a decision on the record after an opportunity for a hearing with the right to present evidence and conduct cross examination;

(ii) regulations or other agency statements that are limited to agency organization, management, or personnel matters;

(iii) regulations or other agency statements issued with respect to a military or foreign affairs function of the United States;

(iv) regulations, statements, or other agency actions that are reviewed and usually modified each year (or more frequently), or are reviewed regularly and usually modified based on changing economic or seasonal conditions;

(v) regulations or other agency actions that grant an approval, license, permit, registration, or similar authority or that grant or recognize an exemption or relieve a restriction, or any agency action necessary to permit new or improved applications of technology or to allow the manufacture, distribution, sale, or use of a substance or product; and

(vi) regulations or other agency statements that the Administrator certifies in writing are necessary for the enforcement of the Federal criminal laws.

(B) SCOPE OF A RULE.—For purposes of a major rule under this title, each set of rules designated in the Code of Federal Regulations as a part (other than part 1 of title 26 of the Code of Federal Regulations) shall be treated as one rule. Each set of rules that do not appear in the Code of Federal Regulations and that are comparable to a part of that Code under guidelines established by the Administrator shall be treated as one rule.

SEC. 215. SUNSET OF THIS TITLE.

This title shall have no force or effect after the 12-year period beginning on the date of the enactment of this title.

TITLE III—CONGRESSIONAL REVIEW

SEC. 301. CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.

Title 5, United States Code, is amended by inserting immediately after chapter 7 the following new chapter:''

CHAPTER 8—CONGRESSIONAL REVIEW OF AGENCY RULEMAKING

''§ 801. Congressional review

''(a)(1)(A) Before a rule can take effect as a final rule, the Federal agency promulgating such rule shall submit to each House of the Congress and to the Comptroller General a report containing—

''(i) a copy of the rule;

''(ii) a concise general statement relating to the rule; and

''(iii) the proposed effective date of the rule.

''(B) The Federal agency promulgating the rule shall make available to each House of Congress and the Comptroller General, upon request—

''(i) a complete copy of the cost-benefit analysis of the rule, if any;

''(ii) the agency's actions relevant to sections 603, 604, 605, 607, and 609;

''(iii) the agency's actions relevant to sections 202, 203, 204, and 205 of the Unfunded Mandates Reform Act of 1995; and

''(iv) any other relevant information or requirements under any other Act and any relevant Executive orders.

''(C) Upon receipt, each House shall provide copies to the Chairman and Ranking Member of each committee with jurisdiction.

''(2)(A) The Comptroller General shall provide a report on each major rule to the committees of jurisdiction in each House of the Congress by the end of 12 calendar days after the submission or publication date as provided in section 802(b)(2). The report of the Comptroller General shall include an assessment of the agency's compliance with procedural steps required by paragraph (1)(B).

''(B) Federal agencies shall cooperate with the Comptroller General by providing information relevant to the Comptroller General's report under subparagraph (A).

''(3) A major rule relating to a report submitted under paragraph (1) shall take effect as a final rule, the latest of—

''(A) the later of the date occurring 60 days (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress) after the date on which—

''(i) the Congress receives the report submitted under paragraph (1); or

''(ii) the rule is published in the Federal Register;

''(B) if the Congress passes a joint resolution of disapproval described under section 802 relating to the rule, and the President signs a veto of such resolution, the earlier date—

''(i) on which either House of Congress votes and fails to override the veto of the President; or

''(ii) occurring 30 session days after the date on which the Congress received the veto and objections of the President; or

''(C) the date the rule would have otherwise taken effect, if not for this section (unless a joint resolution of disapproval under section 802 is enacted).

''(4) Except for a major rule, a rule shall take effect as otherwise provided by law after submission to Congress under paragraph (1).

''(5) Notwithstanding paragraph (3), the effective date of a rule shall not be delayed by operation of this chapter beyond the date on which either House of Congress votes to reject a joint resolution of disapproval under section 802.

''(b)(1) A rule or proposed rule shall not take effect (or continue) as a final rule, if the Congress enacts a joint resolution of disapproval described under section 802.

''(2) A rule or proposed rule that does not take effect (or does not continue) under paragraph (1) may not be reissued in substantially the same form, and a new rule that is substantially the same as such a rule or proposed rule may not be issued, unless the reissued or new rule is specifically authorized by a law enacted after the date of the joint resolution disapproving the original rule.

''(c)(1) Notwithstanding any other provision of this section (except subject to paragraph (3)), a rule that would not take effect by reason of this chapter may take effect, if the President makes a determination under paragraph (2) and submits written notice of such determination to the Congress.

''(2) Paragraph (1) applies to a determination made by the President by Executive order that the rule should take effect because such rule is—

''(A) necessary because of an imminent threat to health or safety or other emergency;

''(B) necessary for the enforcement of criminal laws;

''(C) necessary for national security; or

''(D) issued pursuant to a statute implementing an international trade agreement.

''(3) An exercise by the President of the authority under this subsection shall have no effect on the procedures under section 802 or the effect of a joint resolution of disapproval under this section.

''(d)(1) In addition to the opportunity for review otherwise provided under this chapter, in the case of any rule that is published in the Federal Register (as a rule that shall take effect as a final rule) during the period beginning on the date occurring 60 days before the date the Congress adjourns a session of Congress through the date on which the same or succeeding Congress first convenes its next session, section 802 shall apply to such rule in the succeeding session of Congress.

''(2)(A) In applying section 802 for purposes of such additional review, a rule described under paragraph (1) shall be treated as though—

''(i) such rule were published in the Federal Register (as a rule that shall take effect as a final rule) on the 15th session day after the succeeding Congress first convenes; and

''(ii) a report on such rule were submitted to Congress under subsection (a)(1) on such date.

''(B) Nothing in this paragraph shall be construed to affect the requirement under subsection (a)(1) that a report shall be submitted to Congress before a final rule can take effect.

''(3) A rule described under paragraph (1) shall take effect as a final rule as otherwise provided by law (including other subsections of this section).

''(e)(1) Section 802 shall apply in accordance with its terms to any major rule that was published in the Federal Register (as a rule that shall take effect as a final rule) in the period beginning on November 20, 1994, through the date of enactment of this title.

''(2) In applying section 802 for purposes of Congressional review, a rule described under paragraph (1) shall be treated as though—

''(A) such rule were published in the Federal Register (as a rule that shall take effect as a final rule) on the date of enactment of this title; and

''(B) a report on such rule were submitted to Congress under subsection (a)(1) on such date.

''(3) The effectiveness of a rule described under paragraph (1) shall be as otherwise provided by law, unless the rule is made of no force or effect under section 802.

''(f) Any rule that takes effect and later is made of no force or effect by enactment of a joint resolution under section 802 shall be treated as though such rule had never taken effect.

''(g) If the Congress does not enact a joint resolution of disapproval under section 802, no court or agency may infer any intent of the Congress from any action or inaction of the Congress with regard to such rule, related statute, or joint resolution of disapproval.

''§ 802. Congressional disapproval procedure

''(a) JOINT RESOLUTION DEFINED.—For purposes of this section, the term 'joint resolution' means only—

''(1) a joint resolution introduced in the period beginning on the date on which the report referred to in section 801(a) is received by Congress and ending 60 days thereafter (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), the matter after the resolving clause of which is as follows: 'That

Congress disapproves the rule submitted by the ___ relating to ___, and such rule shall have no force or effect.' (The blank spaces being appropriately filled in); or

''(2) a joint resolution the matter after the resolving clause of which is as follows: 'That the Congress disapproves the proposed rule published by the _____ relating to _____, and such proposed rule shall not be issued or take effect as a final rule.' (the blank spaces being appropriately filled in)

''(b)(1) A joint resolution described in subsection (a) shall be referred to the committees in each House of Congress with jurisdiction.

''(2) For purposes of this section, the term 'submission or publication date' means—

''(A) in the case of a joint resolution described in subsection (a)(1) the later of the date on which—

''(i) the Congress receives the report submitted under section 801(a)(1); or

''(ii) the rule is published in the Federal Register; or

''(B) in the case of a joint resolution described in subsection (a)(2), the date of introduction of the joint resolution.

''(c) In the Senate, if the committee to which is referred a joint resolution described in subsection (a) has not reported such joint resolution (or an identical joint resolution) at the end of 20 calendar days after the submission or publication date defined under subsection (b)(2), such committee may be discharged from further consideration of such joint resolution upon a petition supported in writing by 30 Members of the Senate, and such joint resolution shall be placed on the appropriate calendar.

''(d)(1) In the Senate, when the committee to which a joint resolution is referred has reported, or when a committee is discharged (under subsection (c)) from further consideration of, a joint resolution described in subsection (a), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

''(2) In the Senate, debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

''(3) In the Senate, immediately following the conclusion of the debate on a joint resolution described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

''(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution described in subsection (a) shall be decided without debate.

''(e) If, before the passage by one House of a joint resolution of that House described in subsection (a), that House receives from the other House a joint resolution described in subsection (a), then the following procedures shall apply:

''(1) The joint resolution of the other House shall not be referred to a committee.

''(2) With respect to a joint resolution described in subsection (a) of the House receiving the joint resolution—

''(A) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

''(B) the vote on final passage shall be on the joint resolution of the other House.

''(f) This section is enacted by Congress—

''(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution described in subsection (a), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

''(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

''§ 803. Special rule on statutory, regulatory, and judicial deadlines

''(a) In the case of any deadline for, relating to, or involving any rule which does not take effect (or the effectiveness of which is terminated) because of enactment of a joint resolution under section 802, that deadline is extended until the date 1 year after the date of the joint resolution. Nothing in this subsection shall be construed to affect a deadline merely by reason of the postponement of a rule's effective date under section 801(a).

''(b) The term 'deadline' means any date certain for fulfilling any obligation or exercising any authority established by or under any Federal statute or regulation, or by or under any court order implementing any Federal statute or regulation.

''§ 804. Definitions

''(a) For purposes of this chapter—

''(1) The term 'Federal agency' means any agency as that term is defined in section 551(1) (relating to administrative procedure).

''(2) The term ''major rule'' means any rule subject to section 553(c) that has resulted in or is likely to result in—

''(A) an annual effect on the economy of $100,000,000 or more;

''(B) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

''(C) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets.

''(3) The term 'final rule' means any final rule or interim final rule.

''(b) As used in subsection (a)(3), the term 'rule' has the meaning given such term in section 551, except that such term does not include any rule of particular applicability including a rule that approves or prescribes for the future rates, wages, prices, services, or allowances therefor, corporate or financial structures, reorganizations, mergers, or acquisitions thereof, or accounting practices or disclosures bearing on any of the foregoing or any rule of agency organization, personnel, procedure, practice or any routine matter.

''§ 805. Judicial review

''No determination, finding, action, or omission under this chapter shall be subject to judicial review.

''§ 806. Applicability; severability

''(a) This chapter shall apply notwithstanding any other provision of law.

''(b) If any provision of this chapter or the application of any provision of this chapter to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this chapter, shall not be affected thereby.

''§ 807. Exemption for monetary policy

''Nothing in this chapter shall apply to rules that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.''.

SEC. 302. EFFECTIVE DATE.

The amendment made by section 301 shall take effect on the date of enactment of this Act.

SEC. 303. TECHNICAL AMENDMENT.

The table of chapters for part I of title 5, United States Code, is amended by inserting immediately after the item relating to chapter 7 the following:

''8. Congressional Review of Agency Rulemaking ..... 801''.

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PROCEEDINGS AND DEBATES OF THE *104th* CONGRESS, SECOND SESSION

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Senate

(Legislative day of Wednesday, February 28, 1996)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Let us pray:

Father, we are Your children and sisters and brothers in Your family. Today we renew our commitment to live and work together here in the Senate Chamber and in our offices in a way that exemplifies to our Nation that people of good will can work in unity with mutual esteem and affirmation. Help us to communicate respect for the special, unique miracle of each person with whom we work and with whom we debate the issues before us. We need Your help to reverse the growing cynicism in America about government and political leaders. Today we want to overcome this cynicism with civility in all our relationships and the business we do together. May we be more aware of Your presence than we are of television cameras, more concerned about the image we project as we work cooperatively than our personal image, and more dedicated to patriotism than to party. Help us show America how great people pull together to accomplish Your will for our beloved Nation. In the name of the Lord. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, Senator LOTT, is recognized.

SCHEDULE

Mr. LOTT. Thank you very much, Mr. President. Today there will be a period for morning business until the hour of 12 noon, with Senators permitted to speak for up to 5 minutes each with the following exceptions: Senator MURKOWSKI for 15 minutes, Senator DORGAN for 20 minutes; following morning business today at 12 noon, the Senate will begin 30 minutes of debate on the motion to invoke cloture on the D.C. appropriations conference report.

At 12:30, the Senate will begin a 15-minute rollcall vote on that motion to invoke cloture on the conference report. It is also still hoped that during today's session the Senate will be able to complete action on legislation extending the authorization of the committee regarding Whitewater. Senators are reminded there will be a rollcall vote at 12:30 today and additional votes are possible.

THE DISTRICT OF COLUMBIA

Mr. LOTT. Mr. President, I do not see other Senators wishing to speak at this time, so I would like to be recognized for 5 minutes on my own time, not out of leader's time.

I do hope the Senate will think carefully about this vote at 12:30 today. The District of Columbia is in dire straits. We may not approve of the way they do business, or what their plans are for the future, even. However, it is our Nation's Capital. They need this appropriations conference report to be resolved, and resolved right away.

The problem is there is some language in this conference report using vouchers for children in the District of Columbia that have remedial reading problems, or tuition vouchers for them to be able to go to other schools. It has a lot of flexibility built into it.

The Senator from Vermont, Senator JEFFORDS, has worked very hard to come up with a reasonable compromise. These vouchers will not be available, as I understand it, if the District of Columbia decides against it. Why should not the Congress at least give them that option? Why do we resist allowing children that need remedial help in reading, for instance, being able to get this opportunity to go where they can get the help they need—perhaps after the regular school hours. Why would we want to lock children in the District of Columbia into schools that are totally inadequate, but their parents are not allowed to or cannot afford to move them around into other schools or into schools even in adjoining States?

It is a question of choice and opportunity. We are saying we should at least give the District of Columbia the opportunity to consider whether or not they want to allow these children to have this option. The Members of the Senate, the Democratic leadership, the Senator from Massachusetts says, no, we will not even allow this option to be considered. We will vote against this conference report because of this one point. I do not understand it.

We all say we are concerned about education in America, learning and children, but we do not want to give the children in the District of Columbia that option, even? I would urge my colleagues here in the Senate to vote for this conference report. If we do not do it, we are going to wind up at some point—in a week, or two, or I do not know how far down the road—with a continuing resolution for a few weeks or a couple of months or maybe even the remaining 5½ months of this year, or maybe it will wind up in some omnibus appropriations bill, but I can tell my colleagues on the other side of the aisle it will be funded at less than is in this conference report, probably.

I just think that the Senate looks very bad in refusing to vote cloture so that we could even debate this appropriations conference report. I hope we will have additional votes for cloture today. I think we will pick up some. If we do not succeed today, I hope we will try again next week, and I hope the Senate will find its way clear to vote

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

for what I think is the right thing in invoking cloture. You can still vote against the appropriations bill for the District of Columbia if you think it is too much money and not done in the right way, and I might do that, but allow us to bring it up for consideration.

I yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. INHOFE). Under a previous order, there will now be a period of time to transact morning business until the hour of 12 noon, with Senators permitted to speak up to 5 minutes each, with the exception of the Senator from North Dakota [Mr. DORGAN] 20 minutes, and the Senator from Alaska [Mr. MURKOWSKI] 15 minutes.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I have 20 minutes in morning business; is that correct?

The PRESIDING OFFICER. We are in morning business until noon. The Senator has 20 minutes reserved.

Mr. DORGAN. Thank you very much.

INTERNATIONAL TRADE

Mr. DORGAN. Mr. President, today is not a particularly busy day in the Senate, as everyone can see. The Senate is not scheduled for action for a bit. We have one vote scheduled, and I think probably not much beyond that for the rest of the day. I had asked yesterday to take some time to discuss an issue today on the subject of international trade.

I noticed in this morning's paper, the Washington Post, an article that says ''Trade Deficit in '95 Worst in 7 Years.'' This was not on the front page, but in the business section of today's paper.

I have talked on the floor of the Senate many times in the last 2 years on the subject of international trade. The reason I came to the floor today was not only because we were going to have the figures on what last year's trade deficit was in this country but also because there is in the party of the Presiding Officer an aggressive, raging, fascinating debate these days about trade issues. One candidate who is out on the hustings campaigning for votes is talking about trade in a particular way, and then several others are responding to it. It is somehow as if this were the first time trade was being discussed in this country.

I have been on the floor of the Senate at least 10 or 12 times in the last 2 years talking about international trade. There are some trade myths that I want to talk about today. This will be the first of a series of presentations which I intend to make on trade. Today I will be dealing with the overview, and then in subsequent days I will be dealing with the problems that cause the trade deficit.

The reason I come to the floor is the myths that exist on trade that are now being perpetuated in the Presidential campaigns. These are generally myths spread around this town that are held dear by many people in this town:

First, ''Balancing the Federal budget is important; reducing our Nation's trade deficit is not.''

We have two deficits in this country. We have a budget deficit in the Federal Government. It hurts this country, and we ought to deal with it. People on both sides of the aisle are wrestling with the priorities of how do you solve the budget problem and put our budget in balance.

I know some on the other side say, ''Well, we have all the answers,'' and some here say, ''No; we have all the answers.'' The fact is everyone would like to do it the right way. We should balance the Federal budget, and we should do it with the right set of priorities. But, it is not the only deficit that matters. We have a trade deficit in this country that is very serious and that has been growing. As we address the budget deficit, we must also address this burgeoning trade deficit.

The second myth is that more free-trade agreements will eventually eliminate the trade deficits.

The more free-trade agreements we have, the higher the deficits have been. It is not more agreements that matters. It is the kind of agreements that counts. Are these trade agreements fair so that American workers and producers can compete and have an opportunity to win in international trade competition?

Another myth is that there is a common solution for our trade deficit problems with our trading partners: free trade.

There is not one common solution. Free trade is irrelevant if the trade is not fair.

Fourth is that trade deficits are not very important factors in the U.S. economy.

Trade deficits are critically important factors in our economy. They relate to what we produce. Those folks in America who measure our country's progress by what we consume rather than what we produce do not understand this. What an economy will be in the future is related to what it produces. The production of real new wealth is the source of the engine of progress for the future.

And, finally, the fifth myth is that seeking fair trade for America and a level playing field for our country equals protectionism.

I am not a big fan of Pat Buchanan. He is raising trade issues. Perhaps he is raising them in some ways I would not. Some parts of his argument have some dark edges that I do not like. Yet the fact is every time someone raises the question of the trade deficit in this country, they are called a xenophobic protectionist stooge of some type. They are accused of wanting to build a wall around America, or labeled as one of a bunch of isolationists.

What a bunch of nonsense. You can stand up for the economic interests of this country, you can stand up for American producers and American workers, and you can stand up for the symbols and the reality of fair trade without being isolationist or protectionist.

I would like to run through a series of charts and talk about where we are.

The first chart is a chart which talks about the trade deficit and the Federal budget deficit. Actually, this is the Federal budget deficit that is listed both by the President and by the Congress. The budget deficit actually is higher than this because this includes the Social Security revenues. Yet, they advertise the budget deficit as $164 billion last year. The merchandise trade deficit is $174 billion. Our total trade deficit is slightly lower than that. The merchandise trade deficit to me represents the important aspect because it is what we produce and what we manufacture. This critical sector of our economy has a $174 billion trade deficit.

We cannot solve the problems of the budget deficit or the trade deficit without understanding how they relate to each other and how they relate to our national economy.

Both of the deficits undermine our country's economy. The budget deficit does. And, so does the merchandise trade deficit. Both are economic warning flags that our country needs to do a better job in growing our national economy. Both mean we have to give special attention to our wage base and to our productive sector.

We had a budget deficit—which is really not measured appropriately—of $290 billion in 1992. That is down to $164 billion now under this measurement. But the merchandise trade deficit at the same time is going up. It is up to $174 billion.

Now, that represents a loss of jobs and a loss of production facilities in our country. I noticed in the article today, the trade officials said, ''Well, gee. We exceeded all previous years in our exports of goods from our country.'' Yes, that is true. We also exceeded all previous years and previous expectations of the import of manufactured goods into our country. The imported goods we bring in that are manufactured in other places around the world represents nearly one-half of what we manufacture in America today.

Let me go to another chart that deals with our trade deficits. Again, no one wants to talk about this. Nobody will talk about it. Nobody comes to the Senate floor and talks about trade very much.

These red lines represent America's trade deficit. These red lines represent the choking of enterprise in this country and represent the movement of jobs elsewhere.

This is the second straight year of records in trade deficits. It was not too long ago when we would have trade deficits of $5 or $10 billion in a year. At that time back in the 1970's we had Members of Congress, including some chairmen of committees, talking about emergency legislation to impose tariffs on this and that and the other thing. Now our trade deficit is burgeoning and nobody seems to care at all.

Well, the simple fact is that these red lines mean American jobs and American factories are moving outside our country. They are moving from America to other countries.

There are a lot of reasons for this. Some of them are probably our fault but most of the trade deficits that we experience are not. If you would look at this chart which shows the countries with which we have the largest trade deficits.

First, there is Japan. We have nearly a $60 billion trade deficit with Japan. This has been going on year after year after year. I am going to come to the floor and make a special presentation just on our trade deficit with Japan.

Some say, ''Well, we have to be more competitive.'' Competitive how? How can you compete if you cannot get into a market? It is unforgivable for us to not do something to bring this trade imbalance down. We ought to have balanced trade to Japan. We ought not have a $60 billion deficit.

With China we have a $34 billion trade deficit. And, it is ratcheting up year after year after year. Our country is a virtual cash cow for Chinese hard currency needs. Because of these trade deficits, it means jobs are leaving America and being displaced by imports from Japan and China.

With Canada we have an $18 billion trade deficit. With Mexico it is $15 billion. That is a combined trade deficit of over $30 billion with our neighbors with whom we have an agreement called the North American Free-Trade Agreement [NAFTA]. And that trade is moving in the wrong direction, too. It has been spiking way up.

In fact 2 years ago we had a $1 billion trade surplus with Mexico. Now it is a $15 billion trade deficit with Mexico. Can anyone reasonably stand and say that this makes sense? First, we pass NAFTA. Then, we go from a trade surplus of $1 billion to a trade deficit of $15 billion.

Then there is Germany with which we have a $15 billion trade deficit.

You can see what is happening with these trade deficits. I intend to come to the floor of the Senate and talk about each of these countries. We need to discuss our trade situation with Japan, with China, and the combined deficit with Canada and Mexico. We need to discuss what causes it, and what we can do to deal with it. We ought to have balanced trade. We ought to have aggressive and robust trade between our countries. I would never suggest that we put walls around our borders or that we would in any way decide that we will not compete. But, I am sick and tired of people suggesting that those of us who are concerned about our trade deficit are somehow protectionists who are not interested in the well-being of our country or who want to put a wall around our country.

That is not the case at all. What I want is to stop having our producers have their arms tied behind their backs when they are competing in other countries.

Let me talk just for a moment about what these trade deficits mean. The common denominator is that every $1 billion in exports means 20,000 new jobs in America. You can also compute that to the displacement of exports by imports coming in. What does it mean when goods are manufactured elsewhere and are no longer manufactured here?

Our merchandise trade deficit this year means a loss of 3.5 million jobs in this country. Most of these are manufacturing jobs, and most of these manufacturing jobs are the better paying jobs in this country. Just the increase in the trade deficit from 1994 to 1995 is a loss of 166,000 jobs. That is just the increase.

Now, we can see a lot of press reports and a lot of newspapers talk about how many jobs exports create. But, have you seen a press report that talks about losing 166,000 jobs just because of the increase in the trade deficit this year versus last? I do not think so. You do not see many reports about this problem.

Yet, this is a problem that relates to every family in this country. These families sit around their dinner tables and ask themselves whether life is better or is it tougher. And what they say in 60 percent of the American families these days is that they are working harder. If you adjust for inflation they make less money than they made 20 years ago, and they have less job security.

The anxiety in this country is not misplaced. People know. People know why they are anxious. They are anxious because they see jobs leaving and they see their opportunities here to be less secure. The jobs they have had for 20 years with the same company are less secure. They know that they work harder. Their families have not kept pace with inflation and they are actually making less money. Is there any doubt about the reason that workers in this country are angry?

What do we do about that? Well, what we do is decide that this country cannot do what it did 30 years ago when our trade policy was foreign policy. I grew up in a very small town. Every day when I went to school. I walked to school and understood just viscerally that America was the biggest, the best, the strongest, the most, and we could beat most any economy in international trade with one hand tied behind our back.

That is not true anymore. Today we face shrewd, tough international economic competitors. We ought to face them in fair competition. I do not mind that. We can win that competition.

But, we cannot win competition with Japan when their markets are closed to our goods. We cannot win in competition with China when they do not see and understand that when they ship all their goods to us, they have a reciprocal responsibility to buy their major supply of wheat from us. It does not make any sense to me, when I look at these trade relationships.

Somehow, I think the construction of our trade policy is for large corporations who no longer say the Pledge of Allegiance, and do not sing the national anthem. By American law they are artificial people. They can sue and be sued. They can contract and be contracted with. And, God bless them, they have created a lot of wonderful things in our country.

Today many of them see their role other than as an American corporation. They, with others, are now economic international conglomerates interested in profits. What they decided to do is to construct a new economic model. That model says, let us produce our goods where we pay 14 cents an hour to a 14-year-old worker, 14 hours a day, and ship them to Fargo or Tulsa or Cheyenne and have an American customer buy them.

That may sound good because in the short term, it might give the customers a good deal. But what it really means in the short, intermediate and long term is that jobs that were producing in this country are now in Indonesia, Malaysia, Taiwan, Sri Lanka, Bangladesh and China, and all around the world.

The American consumer also plays a role in this. All of us have people come up to us who are wearing shirts made in China, shoes made in Italy, shorts made in Mexico, driving cars made in Japan and watching television sets made in Taiwan, and ask us, ''When are you going to do something about these jobs in America? Why are so many jobs leaving our country?'' Well the answer is because we have circumstances of trade that allow our market to be wide open to virtually anyone in the world who wants to produce under any set of circumstances.

We fought for 75 years on the question of what is a living wage and what is a fair wage. What about safety in the workplace? What about child labor laws? Some corporations have decided we can eclipse all of those meddlesome issues with one hop. We can avoid all the questions of hiring 12-year-olds by producing in some country that allows it. We can avoid all the problems of not being able to pollute the air and water in the United States by going to produce in a country where you can pollute the air and the water.

We can resolve all the questions of what is a living wage by deciding not to pay a living wage in some other country where the political leadership does not care. You can hire 14-year-olds and you can pay them 14 cents an hour. That is not, under any standard, fair trade, and it should not be allowed.

The production from those circumstances of trade ought never come into this country. They should compete with American men and women, working day after day in factories in this country, who expect to compete but expect the competition to be fair.

My intention in the coming weeks is to make a series of presentations about where we are in international trade and what we ought to be doing about it.

First on the agenda that we ought to have is to hold NAFTA accountable to its promises. You cannot pass a trade agreement that had bountiful promises of massive new jobs only to discover that we have lost a massive amount of jobs in our country—and then say, oh, that did not matter. It does matter. Let us make sure these trade agreements are made accountable. If they are not, let us change them.

Second, let us at least stop subsidizing plants that close in this country and move overseas. We had one vote on that last year. I offered an amendment. It was voted down. I tell you it does not require much thinking to understand that if you do not stop the bleeding, you cannot save the patient.

No country ever ought to have a circumstance in which their tax code says, ''We'll give you a good deal. If you stay here, you'll pay taxes, but if you close your plant, fire your workers, and move your jobs overseas, guess what, we'll give you a tax break, we'll give you a big, juicy tax break; $300 million, $400 million a year we'll give you to do that. Close your American plant and move it overseas.''

If we cannot shut that insidious provision in our Tax Code down, there is something wrong with us. I am going to give everybody in this Chamber a chance to vote on this a dozen more times until we get it passed. I hope we can do it on a bipartisan basis.

Let us enforce existing trade agreements. Let us stop the dumping of products into this country that, by their cost, drive American producers out of business.

It is sad that we do not stand up for this country's economic interests. That has been true of Republican administrations and Democratic administrations. It has been true for 20 to 30 years.

Let us stand up for this country's economic interest to say that fair trade must be enforced. Let us enforce trade rules.

Let us develop a national trade deficit focus. Yes, let us worry about the budget deficit and let us together solve that problem. But also let us together in the coming months decide the trade deficit is a serious national problem that erodes the economic strength of this country. Let us get together and decide to do something about it.

Let us organize a worldwide conference to decide it is time for a new Bretton Woods Conference and talk about the new financial markets and the new trade relationships that will take us into the next century. Let us be frank. We cannot afford what has happened in the last 50 years.

Let me show you the final two charts. This chart shows that foreign imports now take over one-half of the manufacturing gross domestic product in this country. That is a very serious problem. If you do not have a strong manufacturing base, you will not long have a strong economy in a country like ours.

Second, let me show you this chart. If anyone doubts the problem, let me show you a chart that shows the 50 years post Second World War.

In the first 25 years, as I said, we could compete with one hand tied behind our back. Our trade policy was foreign policy. Everybody knew it, everybody understood it, and everybody accepted it. In the last 25 years our competitors have been tough, shrewd, and often they have beaten us to the punch.

Yes we still have a trade policy that is first a foreign policy. It is one that too often is a giveaway of American jobs to other countries. And you see what has happened. While we have a trade deficit, the other countries have a surplus.

This chart simply shows that Japan, Germany, and other countries in the last 25 years have a surplus and the United States has a deficit.

How do American workers feel about this? They had enormous wage gains in the first 25 years, post Second World War. In the last 25 years they have suffered wage losses. And it is because of this. This is something we can address and fix.

I, Mr. President, appreciate your indulgence and the indulgence of my colleagues. I intend to come to the floor in the coming weeks with four additional presentations, the deficit with Japan, China, Canada, Mexico, and Germany. I will discuss what it is, what we can do about it, and what does this country have a responsibility to do to address these issues?

Mr. President, I appreciate the indulgence of the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Wyoming.

Mr. THOMAS. Mr. President, I would like to speak in morning business.

The PRESIDING OFFICER. The Senator from Wyoming is advised we are in a period of morning business until noon. The Senator shall have 5 minutes to speak.

Mr. THOMAS. Thank you, Mr. President.

Mr. President, I was interested in our colleague's remarks. Certainly he talks about a very important issue. There are a number of things we need to consider. One of them, of course, is what we continue to do to make business more and more expensive in this country making it more and more difficult for us to compete.

AGENDA FOR THE NEW YEAR

Mr. THOMAS. Mr. President, I want to talk more specifically about this coming year, and, frankly, some about the past year, this coming year in terms of the agenda that is set for this country, the agenda that is set for this Congress, more specifically for the Senate, the agenda that is set for the American people and the things that need to be a priority for us as we move forward in this important, important year.

Last year, we talked about a number of things. We talked about a number of issues, largely as a result of, I think, what the voters had said to us in 1994. They said the Federal Government is too large, it costs too much, and we are overregulated. Obviously, that is a simplistic analysis, but I think it is true. I just spent 2 weeks in my State of Wyoming, as you have, Mr. President, and I think that message continues to resonate.

We are talking about doing things that are important for American families. We are talking about doing things that will help bring up the wages and the level of living of Americans, which has slowed. We are talking about balancing the budget, because balancing the budget is the moral and fiscal thing to do, it is the responsible thing to do, but it also has results. It lowers interest rates. It helps create jobs, so it has an impact on each of us.

We are talking about reducing spending. Certainly, most everyone would agree that this Government has expanded far beyond what we ever thought it would. We celebrated Abraham Lincoln's birthday over the last several weeks. One of the things that President Lincoln said is that the Federal Government ought to do for the people those things they cannot better do for themselves in their own communities, and that is still true. We need to evaluate what we do and see if we have gotten away from that concept.

We need to talk about regulatory reform. The Senator from North Dakota was talking about the difficulty of competing in the world. Part of that is because we have made doing business so very expensive. It is not that we want to do away with regulatory protection—we can do that—but we can do it much more efficiently and do it in less costly ways.

We need to talk about welfare reform, partly because of the costs, partly because all of us want to help people who need help, but we want to help them help themselves and do it in the most efficient way that we can.

So, Mr. President, I guess what I am saying is that those concepts still

exist, and we need to continue to push to do that. We have not been able to bring to closure some of these things that we have tried to do over the past year, largely because most of them have been vetoed by the White House. Many of them have been opposed by our friends on the other side of the aisle.

Balancing the budget: We came within one vote of getting a constitutional amendment to ensure that the budget would be balanced. We need to continue to do that. I think that is a critical item for our future, for our kids and for our grandkids.

We have made some progress in reducing spending, but we need to tie that in to the future so that through the changing of entitlements that will continue. If we do not do it, it will be right back up.

Regulatory reform passed this Senate. We have not been able to get it past the White House.

So the results, Mr. President, have been that we have had slower growth. Unfortunately, we hear these reports in the State of the Union that this is the best economy in 30 years. Sorry, but when you examine it, it is not very good. We had 1.9 percent growth last year. In the last quarter, we had a .9 percent growth.

If I had charts like the Senator from North Dakota, I could show you the earlier years, in the eighties and prior to that, growth was more commonly in the neighborhood of 3.5 to 4 percent. That reflects in the ability of families to earn a living, a living with which they can support their families.

Mr. President, I hope that we can establish a priority, an agenda for this year, and I hope that we can spend our time on that; that we can move forward.

I am not discouraged by the fact that we did not come to closure last year. On the contrary, I am encouraged with the fact that we are now talking about a balanced budget. Two years ago, we were talking about a budget that had a $200 billion deficit, as far out as you could see. We have not talked about regulatory reform before. We are now talking about that.

So we have changed the discussion in this body, and I think we need to pursue that. I think we need to do it for economic growth. We need to do it so that people in this country and wage earners can enjoy the same kind of prosperity that we have had in years past. We do that, I think, by some tax relief, capital gains tax relief that encourages investment and encourages the economy to grow. We need to do it by regulatory relief so that businesses will have more money to pay. There will be more jobs and more competition, which causes wages to go up. We need to have a balanced budget so we are not only fiscally responsible but so we can bring and keep interest rates down so there will be encouragement for investment.

After all, the real role of economics in this country is for the Federal Government to establish an environment in which the private sector can function. That should be our priority for this year.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ASHCROFT). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1996—CONFERENCE REPORT

The PRESIDING OFFICER. The Chair lays before the Senate the conference report to accompany H.R. 2546, the D.C. appropriations bill.

The clerk will report.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2546) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1996, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective House this report, signed by a majority of the conferees.

The Senate resumed consideration of the conference report.

Mr. JEFFORDS. Mr. President, once again we are here debating the District of Columbia appropriations bill for the current fiscal year, which is now fully 5 months old. The city began the year strapped for cash and it has not received $254 million of Federal funds that will be available once this bill is enacted.

The kids in the public schools are still faced with a community and system that has not made them a priority. The Committee on Public Education, known as COPE, is a group of local civic and business leaders who have spent nearly 6 years studying the D.C. public schools. In its report a year ago is stated that too many remain too invested in the status quo. COPE also found that the District has not really tried reform.

The kids in many District public schools continue to attempt to prepare for life in the next century in school buildings that were built in the first half of this century, and are in deplorable physical condition. Many schools lack the infrastructure to accommodate the same technology that the neighborhood grocery store employs.

If we do not begin the process of educational reform and fiscal recovery by passing this conference agreement we can never hope to achieve the goals we, the Congress, set for ourselves last year. A financially fit and economically stable Nation's Capital that is able to attract businesses, jobs, and people to support a tax base that will enable a public education system that prepares our kids for the future is an absolute necessity for this community and for our Nation. If we cannot do it in the District, where can you?

Mr. President, we have a limited amount of time for debate and I do not intend to restate the arguments that were made on Tuesday. But it is important to restate that this scholarship program, limited, in both time and scope, is not the occasion for a national debate on the question of private school vouchers. We have an appropriations bill that should have been enacted months ago. We resolved most of the issues, some of which were controversial and the subject of intense discussion, including the other education reform initiatives, in relatively short order. But we had great difficulty finding common ground on a scholarship program, which had to be a part of this conference agreement with respect to the interests of the House.

Mr. President, I hope that Senators will consider the financial plight of the District government and the educational future of D.C. kids when they cast their vote today and not the fears of a few who are invested in the status quo. I ask Senators to vote for cloture and allow the city to get on with its important rebuilding work.

Mr. President, I will briefly mention again two other issues. We have gone over the abortion issue many times, and about what was reached as a compromise between what the Bush and Clinton administrations did. I talked to you yesterday and, hopefully, removed from your mind any concerns about Davis-Bacon problems. If there are concerns under the interpretation, we are ready to take care of that before this goes into law.

So I urge Senators, please, review what was said yesterday and please pass this conference report by allowing us to have cloture.

Mr. President, I yield the floor and reserve the remainder of my time.

Mr. KOHL addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. KOHL. Mr. President, just 2 days ago, on Tuesday of this week, the Senate failed to invoke cloture on the conference report H.R. 2546, the District of Columbia appropriations bill. The vote was 54 to 44. For the benefit of Members who may have turned their attention to other matters, let me inform the Senate that we are about to repeat Tuesday's vote. However, and unless Chairman JEFFORDS otherwise indicates, I am unaware of any developments affecting the issues that led the Senate to reject the first cloture motion. My position therefore remains the same, and I urge Members to vote against the motion to invoke cloture.

Although I am urging Members to oppose the motion at hand, I do so with great reluctance. As Chairman JEFFORDS and I have already indicated, the District is in dire financial straits. The

Chairman of the Control Board, the Mayor, and other officials agree that the city will run out of cash if the balance of the Federal payment—some $212 million—is not released within the next several weeks. We need to act, not to debate. With respect to the voucher program set forth in the conference report, the Senate has spoken. We need to respect the decision of this body and move forward to develop a legislation that will allow the city to pay its bills and operate in an orderly fashion.

Mr. President, the Senators who voted against cloture on the conference report are not satisfied with the status quo in the D.C. public school system. In my opinion, it is a national disgrace that children in our Nation's Capital do not have access to schools that prepare them to succeed in an increasingly competitive global economy. I believe that all of us agree that District schools need to change, and that they will be changed. The conference report includes a broad array of reforms that received bipartisan support. These reforms address many of the shortcomings in the District's schools and I urge my fellow conferees to work with congressional leadership to find a way to enact them.

Mr. President, I know other Senators would like to address the Senate so I will yield the balance of my time to Senator KENNEDY. Thank you and I yield the floor.

Mr. KENNEDY. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, first of all, I thank the Senator from Wisconsin and also the Senator from Vermont for understanding that if we did not have these three inappropriate sort of riders that have been placed on the conference report, this legislation would go through in a moment by a voice vote. But it has been the judgment of the House of Representatives to add three different measures—one dealing with Davis-Bacon, in order to depress the wages of workers in the District; second, in restricting even private funds that could be used to help and assist a woman if she makes a judgment and determination for abortion; third, the issue on the vouchers in an appropriations bill that reduces the total funding, cuts back $11 million, but provides $5 million for vouchers.

Now, Mr. President, just at the outset of this discussion, we have to understand that there are certain issues where there is a public response and a recognized public obligation. We have recognized that with regard to national security. We have recognized that with regard to electricity, for example. And we have recognized that with regard to the Postal Service. Nobody would say we ought to have just the market of electricity and postal. Why? Because we know that the houses at the end of the street would not receive it, or those houses at the end of the street would not receive their mail.

As a nation, for education it will require public investment of funds, and it will be compulsory. We are asked to accept this particular amendment because we are told that it will be an experiment, but it is not an experiment, Mr. President, because what you are doing is rigging the system at the very outset. What you are not giving is the choice and decision for the independent student to make a judgment to go to a private school. What you are basically doing is taking scarce resources from the local community and transferring them to the school. The school makes the judgment as to which young person it is going to select. It is not the individual, it is the school that makes that judgment. It is not choice for the individual or the individual parents, it is choice for the school.

What are we going to learn from this? If the school system accepts 2 percent of the 80,000 students in the District and are able to educate them, are we supposed to assume that because they can, in effect, skim, they do not have to meet other responsibilities or requirements in accepting students that may have some language difficulties, or may be homeless, or have other kinds of difficulties? Are we going to say, well, it is a great experiment? Well this has been rejected by 16 different States. The only city that has tried that has been Milwaukee, and any fair evaluation would show that it is not successful.

We do not reject innovative, creative ways at the local community to enhance the achievements of education, and we have included and supported many of those proposals in the Goals 2000 legislation and other proposals.

Basically, those people who are supporting this system said, ''Let's have a competition.'' What happens in the United States when you have a competition, you have winners and you have losers. What happens on the stock market, you have those that make money and those that close their doors.

That should not be the test for education in America. We are not saying you will have winners and losers. We are saying that those children who have those needs ought to be educated in our society, and that reaches the fundamental objection to this proposal. Effectively, we are saying, OK, the 2 percent will be winners, they will be able to go ahead in terms of a private school system, and we are basically abandoning all the other children with scarce resources.

Mr. President, I think it is very clear what the will of the people in the District of Columbia is. It has been so interesting during the course of this debate and other debates. We hear the statements that Washington does not know best. We have here an issue that was rejected 8 to 1 by the District of Columbia and is being jammed down the throats of the people of the District of Columbia. They do not want it. The very way it is constructed in this conference report says that, if they do not use it, they do not get the money. That is a fine choice. That is a fine choice to give the people in the District of Columbia. We do not here know what is best. The people in the District of Columbia have rejected it and 16 other States have rejected this, but we, in our almighty knowledge, are saying you will have to take it, people in the District of Columbia, or otherwise we will not provide these resources.

It is an unwise education policy. It will not demonstrate any different kind of factors in terms of schools. It is so interesting that those who make the argument talk about what is happening in the schools. Give the children an opportunity to escape from crime and violence. At the same time we are reducing the support for drug-free schools by 50 percent. Give those children a chance to learn. And at the same time we are reducing our commitment to give those children the advancements in the title I programs and math and science and other literacy programs.

What is happening, Mr. President, is a choice. Now, are we going to abandon the children of the District of Columbia? I say we should not. By doing so, we will vote ''no'' in terms of the cloture vote.

I yield 4 minutes to the Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I thank the distinguished Senator from Wisconsin and the Senator from Massachusetts. The truth of the matter is that this is really a dirty trick on the schoolchildren of the District. Mr. President, 51 schools are in the District of Columbia, and only 8 of the 51 qualify for this so-called $3,000 scholarship. Mr. President, seven of the eight are religious schools. The $3,000 scholarship is not going to get them into schools. They will get them into the courts. It is a dirty trick. It is throwing a 50-yard line to the child 100 yards offshore and telling them to swim for it.

Most of all, the very crowd that is sponsoring this nonsense—here I call it nonsense. We are not living up to the needs of public education. The fact is, in order to get this, this year, this Congress would be going into the $5 million a year program, cut $3 billion from public education. It is unheard of to try to start a private program. And the very crowd that sponsors this nonsense is a group that comes around here and beseeches us about balancing the budget and constitutional amendments to balance it and everything else of that kind. We are without money, running a $286 billion deficit last year, 1995. We do not have the money for this, and we are going to start a multibillion-dollar spending program?

I said that was my suspicion earlier this week. Now I find it to be the fact, looking at the ''Education Daily,'' and the plan of Representative STEVE GUNDERSON, Republican of Wisconsin, saying the national program authorizes the spending of up to $1 billion a year for vouchers. The $5 million program

over the 5 years, in a few days' time, has already gotten to $5 billion. Suppose the program works? Where is the money? Where is that crowd that is going to come up now and start talking about balancing the budgets?

Yes, we have to cut spending; yes, in this Senator's opinion, we have to increase taxes in order to pay for what we get—not cut taxes. More than anything else, we should not start off on fanciful programs not the responsibility beyond the constitutional function of this Congress that will cost billions more. Do not have this group saying they want to balance budgets and in the same breath start $5 billion programs for private endeavor.

Mr. JEFFORDS. Mr. President, I yield 5 minutes to the Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank the Chair, and I thank my friend and colleague from Vermont. Here we are again. Here we go again. I do not know whether we will change any minds, but I do think this is an important issue to debate and an important vote.

I am disappointed by the extent of opposition to this bill that is desperately needed by the District of Columbia apparently primarily because of the portion that would establish a scholarship fund for poor children. I do not get it.

I ask unanimous consent to have printed in the RECORD a letter from Mayor Marion Barry dated February 23, 1996.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE DISTRICT OF COLUMBIA,
Washington, DC., February 23, 1996.

Hon. JOSEPH LIEBERMAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR LIEBERMAN: As a member of the Democratic Party, supporter of the District, and a champion of progressive and democratic principles, policies, and ideals, I want to appeal to you to assist the District on our FY 1996 Budget. The Senate is scheduled to vote on cloture for the District of Columbia Appropriations bill, HR 2546, on Tuesday, February 27th. I urge you, in the strongest terms, to support cloture and conclude this long delayed District business.

Two hundred forty-seven million dollars ($247) of the District's Federal payment, the compensation that attempts to make up for the significant Congressional limitations on local revenue sources and governing authority, are still unavailable because the appropriations bill, almost 5 months after the start of the fiscal year, has still not been finally approved. The needs of hundreds of thousands of District residents are being held hostage to this delay.

Fiscally speaking, we can wait no longer for our Federal payment. We have just completed our 1995 audit showing that we have significantly cut spending in 1995 by $281 million and decreased payroll by over 3,000 employees. The FY 1996 budget emphatically shows that we have stopped the hemorrhaging of spending and reversed the tide. Last week, I released my transformation document and the FY 97 budget which shows a decrease of 10,000 employees by year 2000 and a radical transformation of the D.C. Government. However, this transformation and FY 97 budget is predicated on the FY 96 budget and the full Federal payment. Our radical savings in 1997, 98 and 99 are integrally related to this Federal payment in 1996.

The District is significantly cash short. We are in a desperate situation. If we do not obtain our $247 million in Federal payment now we will run out of cash by the end of March. We have urgent needs for these delayed funds. Although the Federal payment is less than 20% of the General Fund, it is a critical resource. Our cash flow depends on the $660 million in Federal payment that we should have received on October 1, 1996. Unlike the Federal Government, we cannot borrow right away.

Public safety is our top priority yet the delayed Federal payment is hampering our crime fighting capabilities. We have business vendors that are going out of business because of our delayed payments to them. Businesses are laying off employees, closing their doors and vowing never to do business in the District again. School books and building repairs are not possible due to lack of funds. Trash pickups suffer because equipment is old and cannot be repaired. We are 3½ months behind in our Medicaid payments. Our situation is desperate. We need this money immediately.

In addition, it is incredible that we have begun the budget process for Fiscal Year 1997 without having Fiscal Year 1996 resolved. We are just beginning our local Council hearings on the FY 97 budget yet we have no FY 96 budget. This situation makes accurate budget determination impossible.

I know that many Senators rightfully have serious problems with the voucher programs established in the appropriations bill. So do I. I have disdain for vouchers and have opposed them at every turn in the District. This Appropriations Bill is not a vouchers bill: it does not authorize the District to initiate vouchers, it only gives local officials the option to do so if they chose. As much as I dislike the voucher issue, I cannot go another week without our full Federal payment. Real human suffering is at stake.

I urge you to vote for cloture. It is crucial that the District of Columbia be fully funded, as it should have been months ago. Senate Democrats need to allow the District's appropriations Conference Report to be considered so that the District can finally receive its fiscal 1996 appropriations. You have been supportive of the District in the past and I thank you for your support. Today I ask for your support again. I urge you to release this budget and allow us to get on with the business of radically transforming the D.C. Government and providing our residents with the services they deserve. If you have any questions, please call me at 727–6263.

Sincerely,

MARION BARRY, JR.,
Mayor.

Mr. LIEBERMAN. In this letter, Mayor Barry literally pleads for us, for the sake of fiscal continuity of the District of Columbia, that we pass this bill. In it he says:

> I know that many Senators rightfully have serious problems with the voucher programs established in the appropriations bill. So do I. . . . This appropriations bill is not a vouchers bill . . . it only gives local officials the option to do so [which is to say initiate a voucher program] If they choose.

Then he says, ''As much as I dislike the voucher issue, I cannot go another week without our full Federal payment. Real human suffering is at stake.''

What is stopping us? It is the voucher program. We all know this is controversial. I notice in the paper that some of my friends from the National Education Association claimed victory on the vote the other day, one saying, ''This is much bigger than D.C.''

The big point here is the District of Columbia and its future. I think maybe there is something bigger involved in the voucher program, but it is just a question of whether we are going to feel obliged to defend the status quo and the American public education system, which we know is not working for a lot of our children, or whether we will experiment, a very, very small amount of money compared to the billions spent on public education, to test what is going to happen to the kids, poor kids, whose parents decide they are trapped by their income in schools that are not educating them, schools in which they are terrorized very often, tragically, the ones who want to learn, by young hoodlums, stating it specifically. This program would allow them to break out of that. Let us see what effect it would have on those kids, and let us see what effect it would have on the public schools in the District.

My mind is open. I have been a supporter of this voucher or scholarship program, but if these cuts occur and they occur more broadly than contemplated in the bill Senator COATS and I introduced, and somehow we find they cripple the public school system, we will step back and decide maybe it was not a good idea, was not worth it.

I doubt that will happen. I think what is going to happen is we are going to create some opportunity for kids to break out of the cycle of poverty and maybe we are all going to learn a little bit, including the public schools, about how to better educate our children. There are tens of thousands of heroes working in our public school system. That is the heart of our hopes for the future of our children, the public school system. But it is just not working for a lot of our kids.

I really appeal to my friends in the teachers organizations: Do not be defensive about this. You are strong. The public education system gets so much of public investment. I so actively support all the efforts to reform our public schools. This is not an either/or. If you are for the scholarship bill, it does not mean you are against public education.

The fact is, what we have to focus on here is the kids. What is best for our children? Is there only one established way to educate them and brighten their future, or can we try another one, without doing damage to that?

I am not hopeful about the outcome of the vote, but I appeal to my colleagues here. Listen to Mayor Barry's appeal to pass this bill and give this alternative and these 11,000 poor kids in the District a chance for a better education and a better life.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. Mr. President, how much time is left?

The PRESIDING OFFICER. There remains on the time of the Senator from Vermont, 5 minutes and 50 seconds. The opposition time is 3 minutes and 17 seconds.

Mr. JEFFORDS. Mr. President, I will proceed, then.

Mr. KENNEDY. Mr. President, if the Senator wants to make a final remark, out of courtesy he is entitled to it. I would make just a brief response, but I intend to use the 3 or 4 minutes that remain. So, whatever is agreeable to the floor manager.

Mr. JEFFORDS. I would prefer—if the Senator would like to proceed at this point, I will allow him to do so.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, just a final few facts. It has been the Republican Congress that cut back $29 million last year from funding, public support for schools and schoolchildren in the District. They are cutting back $15 million this year and giving the $5 million as a bonus prize that if the school districts are going to use the voucher system, they can get it. If they do not, they will not. It is legislative blackmail, using the worst form of legislative blackmail by using the children of the District of Columbia as pawns.

There is not a person in this body who has not said they would vote for this D.C. appropriations bill, if these three amendments were removed, by voice vote. We can do it now. We can do it this afternoon.

This concept has been rejected about trying to jam vouchers down the throat of the District of Columbia. It has been rejected by them 8-to-1 previously. Why do we know better, we here? We could pass the D.C. appropriation this afternoon by voice vote in a matter of minutes. But, no. They say, even though we have had the vote in the U.S. Senate and even though their position has been rejected, we are still going to play the card of ''we are on the side of the District of Columbia's children, and those that will not permit this to go through are not.''

Mr. President, the parents of the District of Columbia ought to know who has been standing by them, not just on this legislation but historically—historically. We reject that. We believe the time for political blackmail is over. Let us drop these three provisions, voice vote that, get the money and the resources in the District and fight for them to try to get some additional resources to enhance educational achievement and accomplishment for the children of the District of Columbia.

I retain the remainder of our time.

The PRESIDING OFFICER. Who yields time? The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I appreciate the comments of the Senator from Massachusetts. All those comments and dire remarks he made would have been perfectly appropriate if we had been talking about the original House provisions that were in the bill. But that was before the conference report. We are not dealing with the problems that have been referred to by my friend from Massachusetts.

Let me go through this. There is no jamming it down anybody's throat. That comment was made. The District council can refuse to spend a single penny on tuition scholarships—not a penny. If they do, the money may be lost if there is no agreement with the scholarship corporation, but there does not need to be a cent spent unless the city agrees to spend it.

There is a corporation set up which, must agree with the city council. The corporation will approve all applications for scholarships. In other words, it is not a helter-skelter, ''Here is a tuition payment and you can go anywhere you want.'' It has to be approved by the scholarship corporation, which must also be reviewed by the District council.

Under the conference agreement, not the House version, schools enrolling scholarship students must conform to all of the constitutional protections. The disbursal of the funds must be balanced economically. The disbursal of the funds must be balanced educationally, so we do not get a disparate amount of money being spent towards those who are better off, even among those who are eligible for scholarships—it is all low income—just that they are the economically relatively well-situated.

Second, there are two sets of scholarships in the bill. All of the money can be spent on remedial scholarships, which everybody agrees to. The worst problem the city has right now is we have 20,000 or 30,000 young people going through the system who are going to either graduate functionally illiterate or drop out. Those are the ones we are focusing on in all of the educational reform. The city council priority, I am sure, and the pressure of the city, I am sure, will be to spend all of that money or almost all of it on the scholarships which are for remedial use, afterschool use, or other programs so these kids can be brought up to the status where they can be functionally literate.

Also, we must consider what may happen, and I hope does not happen, on the House side. We have been told that if this loses here, this very scaled-down proposal that we are voting on here, not the one that has been described—if this fails, if this modicum of tuition scholarship fails, then we may lose the whole educational package. That would be a travesty; hopefully that will not be the case if we do fail here today.

Mr. KENNEDY. Will the Senator yield on my time for just a very brief question?

Mr. JEFFORDS. I will suspend at this point for the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Just on that reference, as I understand it, under the conference committee it creates five new boards, five new boards, and defunds the elected school board of the District of Columbia. Am I correct?

Mr. JEFFORDS. No, the Senator is not correct. This was not the intention of the bill, and that will be rectified. But, because the District council reduced the budget for the board's staff and operations, after the conferees had agreed to this provision, that is the way it could be interpreted. We are willing to reprogram some of money in this bill for purposes of the board.

Mr. KENNEDY. But as it stands in this bill, you have funded five new boards and failed to fund the school board, as I understand it?

Mr. JEFFORDS. On Tuesday the Senator from Wisconsin and I had a colloquy to clarify the status of the board. Yes, there are other new boards that are created for the purposes of educational reform. That is correct.

May I inquire how much time I have?

The PRESIDING OFFICER. The Senator has a minute and 53 seconds remaining. Your opponents have 21 seconds remaining.

Mr. KENNEDY. I yield whatever time I have.

Mr. JEFFORDS. Mr. President, I want to close here. I hope this is very clear to my colleagues, and I will make sure they know what we are voting upon today. I hope you would concentrate on what the actual situation is as to the tuition scholarships. There may be not a single penny spent unless the city council agrees to it. Keep that in mind. It is all local control. The Mayor says it is fine with him because it is all local control. So I urge my colleagues to support cloture. I yield the remainder of my time.

CLOTURE MOTION

The PRESIDING OFFICER. The Chair directs the clerk to read the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the conference report to accompany H.R. 2546, the D.C. Appropriations bill.

Bob Dole, James M. Jeffords, Trent Lott, Rick Santorum, Alfonse D'Amato, Dan Coats, Mark Hatfield, Bill Frist, John McCain, Larry Pressler, Kay Bailey Hutchison, Olympia Snowe, Al Simpson, Conrad Burns, Spencer Abraham, Orrin G. Hatch.

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate shall be brought to a close?

The yeas and nays have been ordered under rule XXII.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. SPECTER. Mr. President, on this vote I have a pair with the distinguished Senator from Kansas, Senator DOLE, who is necessarily occupied in campaigning in South Carolina, where

he should be. If he were present and voting, he would vote ''yea.'' If I were permitted to vote, I would vote ''nay.'' Therefore, I withhold my vote. I thank the Chair.

Mr. LOTT. I announce that the Senator from Kansas [Mr. DOLE], the Senator from Indiana [Mr. LUGAR], and the Senator from Arizona [Mr. MCCAIN] are necessarily absent.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY] and the Senator from Hawaii [Mr. INOUYE] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 52, nays 42, as follows:

[Rollcall Vote No. 21 Leg.]

YEAS—52

Abraham	Frist	Mack
Ashcroft	Gorton	McConnell
Bennett	Gramm	Murkowski
Bond	Grams	Nickles
Breaux	Grassley	Pressler
Brown	Gregg	Roth
Burns	Hatch	Santorum
Byrd	Hatfield	Shelby
Campbell	Helms	Simpson
Coats	Hutchison	Smith
Cochran	Inhofe	Snowe
Cohen	Jeffords	Stevens
Coverdell	Johnston	Thomas
Craig	Kassebaum	Thompson
D'Amato	Kempthorne	Thurmond
DeWine	Kyl	Warner
Domenici	Lieberman	
Faircloth	Lott	

NAYS—42

Akaka	Feinstein	Mikulski
Baucus	Ford	Moseley-Braun
Biden	Glenn	Moynihan
Bingaman	Graham	Murray
Boxer	Harkin	Nunn
Bryan	Heflin	Pell
Bumpers	Hollings	Pryor
Chafee	Kennedy	Reid
Conrad	Kerrey	Robb
Daschle	Kerry	Rockefeller
Dodd	Kohl	Sarbanes
Dorgan	Lautenberg	Simon
Exon	Leahy	Wellstone
Feingold	Levin	Wyden

PRESENT AND GIVING A LIVE PAIR, AS—1

Specter, against

NOT VOTING—5

Bradley	Inouye	McCain
Dole	Lugar	

The PRESIDING OFFICER. On this vote the yeas are 52, the nays are 42. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

Mr. JEFFORDS. Mr. President, I move to reconsider the vote.

Mr. LOTT. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JEFFORDS. Mr. President, I know some of my colleagues here wish to make a few remarks. I hope that everyone over the coming days, before we face this issue again, whether it is on another vote to invoke cloture or whether it is on another vote —I think it is wise for all of us to take a look at what must be done if we are going to reach a consensus on many issues in this body.

As I have tried to let my colleagues know, we worked long and hard, 90 days, on reaching a compromise with the House. The House is very dug in on this issue. We had to make incredibly difficult changes that they would agree to to bring us to a position where I thought we had a bill that could pass the Congress and win support in a highly Democratic city, a highly unionized city, with a very Democratic mayor. I thought that they would agree with the compromise that we reached.

It seems difficult for me to perceive or understand as to why this body would disagree with that compromise. If we cannot find a consensus on this issue, what is going to happen when we get to the three major appropriations bills that we still have not dealt with? Are we somehow going to be able to reach a consensus among the House and this body and the White House? We also have other issues with respect to welfare, Medicaid, and all the other issues that are in addition to the appropriations bills, which to me are so much more difficult. If we cannot reach a consensus on this bill, I do not know what the hope is for the future.

I have been in the Congress now for 22 years. During that length of time, I have been on many committees under many different circumstances with respect to which party controls the committees. Many, many difficult issues have been faced during that period of time, and just by virtue of the committees I have been on, I have been in the center of those.

I mentioned ''in the center'', for instance, because if one takes a look at the recent ratings, I am the most liberal Republican Senator but I am more conservative than many Democratic Senators. So where does that put me? It puts me right in the middle. Over the course of time I have found myself in that position and have been able to assist in working out the compromises by my ability to see both sides of the issue.

In fact, Mr. President, I will reminisce for just a moment. I remember at a critical moment during the Reagan administration we were dealing with a controversial bill, an employment training bill. I was serving in the House, and I got a call from one of the Members of this body who said, ''JIM, we know how hard you worked on this bill, but when we go to the White House, would you tell them how bad it is, because if you tell them how bad it is, I think they will accept it?''

So I went down to the White House and I made a pitch by saying, ''Oh, my God, it goes too far this way and goes too far that way.'' I got a phone call back from that Senator commending me and offering me an Academy Award for my performance. And we reached a consensus. That is how far I would go. Yes, I would have liked to have seen it different, but I was willing to make the compromises that were important to get that bill through.

We have to learn how to do that here. I hope in the interim, before we take another vote, that everyone will take a look at what the real issues are here.

So many of the statements that were made would be true if this was a national proposal to deal with vouchers or even if it was a D.C. proposal to have a mandated voucher program for the city. But it is not that.

So I urge my colleagues in this interim time, if we cannot reach consensus here, where will we ever do it? If we do not do it with the House, which has come a long way, in my mind, in reaching consensus here—they had dug their heels in—we run the risk of losing all the educational reform that is in the bill, all of which is incredibly necessary for the District. We may even lose the ability to provide them with the $254 million in additional Federal funds which they are entitled to under this agreement.

So I urge my colleagues to take a close look before we vote again, whenever that may be.

Mr. President, I yield the floor.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER (Mr. CAMPBELL). The Senator from Mississippi [Mr. LOTT] is recognized.

CLOTURE MOTION

Mr. LOTT. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the conference report to accompany H.R. 2546, the D.C. appropriations bill:

Trent Lott, Jim Jeffords, Dan Coats, Larry E. Craig, Paul D. Coverdell, Conrad Burns, Pete V. Domenici, Jon Kyl, John Ashcroft, Slade Gorton, Spencer Abraham, Craig Thomas, Mark O. Hatfield, C.S. Bond, P. Gramm, Don Nickles.

Mr. LOTT. Mr. President, I wish to inform all Members that there will be a vote on this cloture motion next Tuesday. No exact time has been agreed to yet, but I expect it will fall sometime shortly after the vote, I believe at 2:15, on the Cuba legislation on Tuesday. But it will occur sometime Tuesday afternoon.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. D'AMATO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Senate

now turn to a resolution extending the Special Committee To Investigate Whitewater Development Corporation.

I ask for its consideration under the following agreement: 2 hours to be equally divided in the usual form, and that no amendments be in order, other than one amendment to be offered by Senator DASCHLE, or his designee, limited to 1 hour equally divided.

Further, I ask that following the debate on the amendment and resolution, the Senate proceed to vote on the amendment, and immediately following that vote, that the resolution be advanced to third reading and passage to occur immediately without further action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. D'AMATO. Mr. President, in light of the objection, I make the same request for the legislation to be the pending business on Friday, March 1, at 10:30 a.m., under the same restraints as the previous consent agreement.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. I object.

The PRESIDING OFFICER. Objection is heard.

WHITEWATER

Mr. D'AMATO. Mr. President, I am deeply concerned about the minority's refusal to allow the Senate to consider the resolution that I just offered. This resolution would provide additional funds for the Whitewater Special Committee. It would allow the Senate to fulfill its obligation to the American people to obtain the full facts about Whitewater and related matters.

Make no mistake about it, this debate is not about money, it is not about deadlines, it is about getting the facts. That is our job. We are committed to getting all the facts about Whitewater. It is now quite clear that the minority is not. With its actions today, and over the past few days, the minority has sent the unmistakable message that it wants to prevent the American people from learning the full facts about Whitewater. That is wrong. What is the minority concerned about?

From the beginning, I have said that our committee must get the facts and we must let the chips fall where they may. If the facts exonerate, then so be it. That is good. Again, let the chips fall where they may.

If the facts, on the other hand, reveal improper conduct by anyone, the American people have a right to know that as well. Our committee wants the facts. The American people are entitled to the facts.

Two days ago, we attempted to move to consideration of a resolution that would have funded Whitewater. But the minority invoked Senate rules to block floor consideration of that resolution. That is their right. But, as the New York Times wrote in a syndicated editorial, ''The committee, politics notwithstanding, has earned an indefinite extension. A Democratic filibuster against it would be silly stonewalling.''

That, Mr. President, is from an editorial in yesterday's New York Times. That is not a partisan spokesperson, nor a partisan policy paper. I will come back to this editorial again. I will ask at this time that the full editorial be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 28, 1996]

EXTEND THE WHITEWATER INQUIRY

Senator Christopher Dodd of Connecticut, reluctantly agreeing to renewal of the Senate Whitewater Committee's expiring mandate, suggests limiting the extension to five weeks, ending April 3. Along with the minority leader, Tom Daschle, and other leading Senate Democrats, Mr. Dodd told reporters yesterday that they were prepared to filibuster against any extension beyond early April.

Their position is dictated by worry about the 1996 campaign, and it is understandable that Mr. Dodd, as chairman of the Democratic National Committee, would hope that the public has an endless tolerance of Whitewater evasions. Mr. Dodd has a point in noting that this is a campaign year. It is impossible to separate this matter entirely from partisan pressures. He wants to protect President and Mrs. Clinton from the embarrassment that the chairman of the Whitewater Committee, Senator Alfonse D'Amato, would be pleased to heap upon them.

But Senator D'Amato, who by and large has curbed his customary partisan manner, has a stronger point. The Senate's duty cannot be canceled or truncated because of the campaign calendar. Any certain date for terminating the hearings would encourage even more delay in producing subpoenaed documents than the committee has endured since it started last July. The committee has been forced to await such events as the criminal trial next week of James McDougal, a Clinton business partner in the failed Whitewater land venture.

No arguments about politics on either side can outweigh the fact that the White House has yet to reveal the full facts about the land venture, the Clintons' relationship to Mr. Douglas banking activities, Hillary Rodham Clinton's work as a lawyer on Whitewater matters and the mysterious movements of documents between the Rose Law Firm, various basements and closets and the Executive Mansion. The committee, politics notwithstanding, has earned an indefinite extension. A Democratic filibuster against it would be silly stonewalling.

Mr. D'AMATO. Mr. President, let us be clear. All of my colleagues have a right, Democrat or Republican, to utilize all the rules of the Senate as it relates to sustaining their position. I certainly do not have a quarrel with that. But I am concerned as it relates to what the underlying objective is. The underlying objective is to prevent the committee from doing its work, from being the factfinders. That is our job. That is a clearly different job from that of the independent counsel or special prosecutor, clearly different. The independent counsel's job is to ascertain whether there was criminal conduct. He uses a grand jury, secret proceedings. We are not entitled to know, nor do we know what facts are uncovered. That is a big difference. People have very particular roles, interests, and needs. Witnesses are protected. They are given absolute constitutional guarantees. That is as it should be. Most of the discovery of the information and facts is done in camera, secretly. That is a far different role than that of congressional investigatory committees. Let us understand that.

There are those who say, ''Why, when you have a special counsel, do you have this committee?'' It is because it is our duty to ascertain what, if anything, the White House or the administration may have done to impede an investigation, which may or may not have criminal implications. It very well may not. But it is our duty to gather those facts. It is our duty to gather the facts as they relate to what, if anything, took place, whether proper or improper. The facts may not have criminal implications as they relate to the events that transpired in Little Rock, AR. The two investigations are distinct. They are different.

Indeed, this is not the first time in the history of this country that we have had investigations by congressional committees and, at the same time, by an independent counsel, a special prosecutor. Indeed, we have taken precautions so as not to impede upon the work and make it more difficult for the independent counsel to conduct its work. And it is fair to say that much of the delay as it relates to the committee's work has not been created by partisan politics, by Democrats, by the White House, or others acting in their interests. Let us be fair about that. A good deal of the delay has been occasioned, both for the previous committee that undertook this mission and by this committee, due to our legitimate concerns about the work of the special counsel.

Indeed, we have agreed in the resolution that we would not grant immunity where the independent counsel objected. Indeed, we have, painstakingly, gone out of our way, notwithstanding our own constitutional responsibilities, not to willy-nilly insist that we get our way as it relates to subpoenaing of records, documents, and witnesses. On a number of occasions, we have withheld enforcement of subpoenas for documents because we were advised that it would have an impact on the criminal trial, which will start this Monday in Little Rock, AR. The defendants in this trial are the present Governor, Jim Guy Tucker, and Susan and Jim McDougal, the business partners of the Clintons.

We agreed, Republicans and Democrats, to withhold enforcement of these subpoenas. We have, I believe, made the sensible choice in not attempting to force key witnesses to come before this body. When I say ''this body,'' I am

talking about the committee in its fullest sense, which is representative of the Congress of the United States, and more particularly of the Senate of the United States.

Although there are key witnesses, I believe it would be irresponsible to simply put aside the concerns of the independent counsel and call these witnesses just so that they can give us information. Some of these witnesses have been defendants and have already pled guilty to various crimes and their testimony may be necessary as it relates to the criminal prosecution which the special counsel, Mr. Starr, is now undertaking in Little Rock.

We have always maintained that there may come a time when we may have to insist upon our prerogatives, we have certain constitutional obligations. Even though the independent counsel has his obligations we never agreed that we would at all times forgo calling various witnesses. Indeed, it was the wish and the hope of this Senator, and I think of the majority of the committee, both Democrats and Republicans, to have one of the key witnesses, Judge David Hale testify. Judge Hale has apparently made statements, most of them through other people, that indicate that he was asked, by the then-Governor of the State to make a loan of as much as $300,000 to Mrs. McDougal.

Now, Mr. President, let me be clear: I do not know nor do I subscribe to the truth or the falsity of that statement. I do not say it to be sensational. This has been published. This has been published. Both Democrats and Republicans have been interested in bringing Judge Hale before the committee.

Let me say I think we acted in a responsible way. We attempted to make, and did make contact with his attorney. We were advised that his attorney was engaged in a number of matters before the Supreme Court of the United States, and indeed we ascertained that he was; further Judge Hale's attorney could not even consider these matters until he had disposed of his arguments. While Judge Hale's attorney did recently dispose of his last argument—sometime I believe in late January or early February—it was, unfortunately, too close to the approaching trial to call Judge Hale before the committee.

I believe, and I was not able to share, through counsel, what his definitive thinking was, that Mr. Hale was not made available. We were led to believe that if we insisted and issued a subpoena, that not unlike several other witnesses, Judge Hale's attorney would indicate that his client would raise an issue of privilege, asserting a privilege against self-incrimination.

Once this privilege is asserted the Senate rules or the congressional rules are quite clear that you can no longer even call the witness to testify. We recall the days gone by when witnesses were called in and asked questions and they asserted, under oath, their right not to incriminate oneself under the fifth amendment. At some point in our history, and I do not have the exact date, the Congress decided that was not how the Congress should conduct itself. When Congress is advised, by counsel, that a witness would, assert the privilege of taking the fifth amendment, it no longer could bring the witness in just to have a show. To do so would simply appear to be a show where you brought someone in, you asked him a question, he repeated to every question that he was asserting his rights not to incriminate himself or herself.

That is the dilemma that we have faced. Otherwise, I want to assure this body it would have been the intent of this Senator, and I believe of every member of the committee, to bring Judge Hale forward and to find out what, if anything, he could share. What information he had, what were the facts to assert. We were unable to do that. We have been unable to do that with maybe 11 or 12 various witnesses that are connected with the trial, which will start this coming Monday. Those witnesses are key to our getting the facts, the whole picture.

Again, I am not in a position to offer a judgment with respect to what they may or may not testify to. The information they give to us may be absolutely exculpatory and clear away the cobwebs. They may demonstrate clearly there was no wrongdoing. It may not. But, by gosh, we have an obligation to get the facts.

Now, I am going to refer to the New York Times editorial of February 28. This is an editorial position that has been shared in whole or in part by just about every major newspaper. I am talking about the main editorial of the New York Times, not a letter to the editor, not something written by a partisan on one side or the other. The New York Times:

> The Senate's duty cannot be canceled or truncated because of the campaign calendar. Any certain date for terminating the hearings would encourage even more delay in producing subpoenaed documents than the committee has endured since it started last July. The committee has been forced to await such events as the criminal trial next week of James McDougal, a Clinton business partner in the failed Whitewater land venture.
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> No arguments about politics on other side can outweigh the fact that the White House has yet to reveal the full facts about the land venture, the Clintons' relationship to Mr. McDougal's banking activities, Hillary Rodham Clinton's work as a lawyer on Whitewater matters and the mysterious movements of documents between the Rose Law Firm, various basements and closets and the Executive Mansion. The committee, politics notwithstanding, has earned an indefinite extension. A Democratic filibuster against it would be silly stonewalling.

Mr. President, again, as I have said to my friends and colleagues, any colleague, on any side of an issue, of any party has a right to raise whatever rules or procedural questions that they deem appropriate. I respect everyone's view on this. They have a right. It was never my intent nor did I believe we would be debating this issue on the Senate floor without having completed or essentially completed our work. I did not anticipate, nor do I think the committee anticipated, that those delays would take place; some delays may have been occasionally deliberate; some, perhaps negligent.

I am willing to accept the fact that there have been key documents, we wanted from very important people, that were delayed for whatever reason. In some situations because a person left and went from one office to another; in another, someone took one position and thought the papers would be turned over; or one attorney thought another attorney had turned over papers. I am willing to accept that.

But the fact of the matter is that those delays have occasioned the problems that we have. Suppose they were accidental, all of them. Accepting that, here is where we are: We have dozens of witnesses yet to be examined. It is not because the committee has not been diligent. While there are those who can come and say, ''You have only met 1 day or 3 days,'' that is a bit disingenuous when one understands the schedules we have. One must take into consideration the scheduling difficulties the committee faces, first; there are witnesses that we have to accommodate for depositions and testimony; the fact that there are at this time, key witnesses that we have been asked not to examine—some because of physical problems, some because of attorneys' schedules. We should be candid about this. Let us try to be forthright. I do not think we do the process any good by attacking one another, applying political labels, indicating that the chairman or anyone else is undertaking this because of partisan politics.

Of course, there are political overtones to this. Everyone understands that. But, by gosh, we have a duty to get the facts, and we should do it as expeditiously as possible.

Under ordinary circumstances I would think we could accomplish this task, if we had access to all of the witnesses and all of the documents, within a period of 10 weeks or 12 weeks. That should be a reasonable period. But I cannot say that. I am not going to be able, nor will the committee be able, to ascertain with certainty when we will have completed our business. And let me say this, with all honesty and candidness, I know this is a tough debate and I know certain people will be compelled to say certain things. I hope we will not engage in that kind of rhetoric. I have attempted to be moderate. I have really attempted to frame this debate in a manner both sides can participate in reasonably.

I understand the concern of my colleagues when they say, let us not run this investigation into September or October. That is not the intent of this Senator. The intent is to get the facts, and I will work to do it in a thorough, coordinated, expeditious manner with my colleagues.

But the trial of a key witness starts Monday. It may go 4 weeks, 6 weeks, 8 weeks. I hope it will end sooner rather than later.

The committee must have the opportunity to examine key witnesses and documents—documents, at the very least, that we should have access to, and cannot have access to unless we seek enforcement of the subpoena. Let me ask, should we have insisted that documents from various witnesses be produced, notwithstanding the concern of the court—we had a right to do it, constitutionally. We could have ordered enforcement of those subpoenas. But we decided together, Democrats and Republicans, that it would not be in the interest of this body to delay that prosecution. If we enforced the subpoenas the defendants rightfully, could ask,—and we were advised through their attorneys, would ask—to put that case off.

We withheld. I think that was the prudent action. We could have insisted on enforcing the subpoena. I do not think we would have met the mandate under that resolution because the resolution was quite clear. The leaders, Democrat and Republican, were concerned that we not impede the independent counsel.

We had other questions, as it related to Iran-Contra, whether or not immunity should or should not be granted. This committee never even crossed that bridge. We could have asked the Senate to consider, or the committee to consider, granting immunity. I think it would have been irresponsible. I think the committee would have decided against it, particularly in light of the objection that would have come.

I am not going to characterize the suggestion that was put forth by my Democratic colleagues as anything but a sincere attempt to establish a timeframe so that we could wind up the business of the committee. It was a bona fide offer. I will accept that. But I have to tell you, then, and we say it publicly, that I hope you will understand why, notwithstanding the good intention or motivations, that my colleagues' offer was impossible to accept.

Mr. JOHNSTON. Will the Senator yield?

Mr. D'AMATO. No. I would like to complete my statement. I certainly will yield for questions. And I assure my colleague he will have an opportunity to make whatever observations he wishes.

I cannot accept my colleagues offer simply because we would not even begin to have access to key documents and key witnesses until after that trial. We may never get them and if we do not get them, then we will have to wind up, and we will.

It is the hope of this Senator, without setting a specific time limit, that we can conclude the business of this committee within 6 to 8 weeks after the conclusion of that trial—I say conclude the business of this committee in a way that makes sense—quickly and expeditiously, but only after we have either gathered all of the facts or made every reasonable and possible effort to have those facts.

Let me tell you the problem in agreeing to a time limit. It is spelled out in a book called, ''Men Of Zeal.'' This book was coauthored by two of our distinguished colleagues, two of our most distinguished colleagues, both of them from Maine, the former Democratic majority leader, Senator George Mitchell, and our own colleague, Senator BILL COHEN. In ''Men Of Zeal'' they talk about ''a candid inside story of the Iran-Contra hearings.'' I turn to one of the observations that was made, as it fits the situation and the dilemma that we have here now, a bona fide dilemma. Some can say, ''Senator D'AMATO, you are a proponent of Senator DOLE. You are on his campaign team. Therefore, you have a reason and the occasion, to make this go longer.'' That is not true.

I do support Senator DOLE. By the way, it is a constitutional right of every citizen to support whomever he chooses. And I hope, when we go in to do the business of the committee—we understand that we have different political philosophies, that we can support different candidates. I respect that right of all of my colleagues. But to simply say that because you are campaigning on behalf of one candidate, then, you cannot discharge your duties, I think is rather illogical. We would wipe out everybody.

All of my friends on the Democratic side, I think with very few exceptions—I can think of only one, whose remarks may not have been interpreted as fully supportive of the President of the United States—are fully supportive of the President and the leader of their party. Does that mean they should all, therefore, be disqualified? That they cannot make rational judgments? Or that all of their judgments will be made just simply on a partisan basis? I hope that is not the case.

I do not think that it is right to then apply that logic to a Member or Members of the Republican side, to say you cannot make judgments because you support this candidate, you are in a key position, and therefore you are not going to be able to be impartial and fair.

I have attempted to discharge my duties in a fair and even-handed way. I have attempted to do that. I am not going to tell you that I have not made mistakes. But certainly I hope that the minority will acknowledge that we have attempted to run this committee in a fair manner; wherever possible, and in 90 percent of the cases, subpoenas that have been issued in a bipartisan manner; in terms of working out problems—even when we have had some of the most rancorous disagreements, we have eventually been able to settle them.

I am not going to be able to, nor will I attempt to, say who has been right and who has been wrong. Sometimes we may have asked for information in an overreaching way. And my colleagues rightfully have said, ''Wait a second.'' And we have attempted to accommodate their concerns.

There was only one instance when we came to the floor of this Senate, where we could not reach an agreement, and even in that case eventually we did. And the information that we sought—let me go right to the heart of it, the notes of one of the White House employees, Mr. Kennedy—was found to be appropriate. I ask anybody if they thought we got information we were not entitled to? Of course we were entitled to that information. You cannot on one hand say we are being cooperative, we will not raise the privilege issue, executive privilege, and then on the other withhold. So we even in this case; but again the important thing is that we came to a definitive termination that avoided a test in the courts. Those famous notes revealed a series of meetings. They revealed the question of the Rose Law Firm and, of course, even now is open to interpretation as to a question of what they mean by a ''vacuum'' in the Rose files. Reasonable people might disagree on that. I would find it hard to give one interpretation. But that is honest disagreement.

One of the reasons that our colleagues find that we are in this position today is because we did not think—nor did I believe—that there would be these delays. It was my hope that we would wind these hearings up before we got into this session. It was always my hope. When I say session I am talking about and I should say season; the political season that is upon us but still has not come upon us as it relates to the general election. And again, I hope that we can bring these hearings and get the facts sooner rather than later. I am not looking to run this thing. I say that to my friend and colleague, Senator DASCHLE, and other colleagues.

But here is the problem that I have and I think we legitimately have. And it is not something that is new. It is not novel. It did not just become visited upon us. And our colleagues in their book, again, ''Men of Zeal,'' by Senator COHEN and former majority leader, Democratic majority leader, Senator Mitchell, said finding the committee's deadline—talking about the Iran-Contra, and the deadline that they had fixed to the committee to finish its work—''provided a convenient stratagem for those who were determined not to cooperate. Bureaucrats in some agencies appeared to be attempting to thwart the investigative process by delivering documents at an extraordinarily slow pace.''

This was their observation about what took place during these hearings less than 10 years ago; during their problems. Listen to that. ''Bureaucrats in some agencies appeared to be attempting to thwart the investigative process by delivering documents at an extraordinarily slow pace.''

I mean as much as things change they never change, when you set a deadline on these kinds of things, as our colleagues are calling for. ''But, perhaps most importantly, the deadline provided critical leverage for attorneys of witnesses in dealing with the committee on whether their clients would appear without immunity and when in the process they might be called.''

I have to tell you that we have been experiencing that. That is not because of the ill will of my Democratic colleagues. I do not say that is a cabal that has been hatched by the Democratic Party, or their stratagem. I just say if you are an attorney representing your client and you are going to do what you can to protect the client—and it may be that you are going to assert various privileges—It may be that you are going to do whatever you can to get past a particular time or deadline. That is a fact.

Let me go to one of the conclusions again, and it is important to know that these men—colleagues of ours, distinguished colleagues of ours, the former Democratic leader writing this to share with us their insight, candid inside story, of not only the events that transpired, in the attempt to leave us a blueprint for what we should or should not do and some of the problems attendant—in their conclusions they say, ''Setting fixed deadlines for the completion of congressional investigations should be avoided.''

This is not Senator D'AMATO. They go on to say, ''Such decisions are often dictated by political circumstances and the need to avoid the appearance of partisanship.''

I suggest to you that is one of the reasons we originally set a time limit because we wanted to avoid that. It is exactly on point, and it is the intent of this Senator—and it is still the intent of this Senator—to keep this out of the partisanship. The Banking Committee, which essentially serves as the mainstay of this Whitewater committee, has acted in a bipartisan manner, I have to tell you, in 90 percent of our undertakings.

I ask my colleagues to think about that. It is not the intent of the chairman of that committee to bring us into a situation that is not going to reflect well upon Republicans or Democrats—the work of the committee, both the Banking Committee and now as a Whitewater committee. It is not my intent. Indeed, it was with that intent in mind that we worked out a date for attempting to finish—listen to the words which are prophetic. I wish my colleagues, when we were attempting to affix a time limit to this that would have been cognizant of this warning because that is what it is. ''Setting fixed deadlines for investigations should be avoided.'' And it goes on to say again with great clarity, ''But such decisions are often dictated by political circumstances, and the need to avoid the appearance of partisanship.'' That is how it is that we came to this situation. ''In this case, a compromise was struck between those who believed an adequate investigation could be completed within 2 or 3 months and those who believed no time limitation was necessary.''

It goes on to conclude that, ''We hope that in future cases such an artificial restraint on this pursuit of facts will not be necessary.''

That is what we have. We have an artificial restraint in the pursuit of facts, not occasioned by meanspiritedness, not occasioned by benevolence, no one fixed this date. As a matter of fact, we chose this date to attempt to avoid this debate.

Look. The Rules Committee did not have a quorum. Otherwise, we could have brought this amendment to the floor without asking for unanimous consent. I hope that next week at some point—I think Tuesday—the Rules Committee is scheduled again to take this matter up so that we can come to the floor without asking unanimous consent. At that point, my colleagues will have every right to raise their objections to have extended debate; indeed to undertake that which we have commonly known—and they are determined not to have a vote—as a filibuster. I think that would be wrong. But that is their right. I still hold out the hope that somehow, some way, men and women of good will can work out a way in which the committee can proceed to do its work without the need for us tying up the floor for days creating a political event, one that is highly charged, one that I suggest does not benefit either Republican or Democrat, one which I would just as soon avoid. I say that with all sincerity. I think I have some credibility with my colleagues that if I give a commitment, I keep the commitment. I want to work out this dilemma.

I thank my colleagues for being patient so I could give a speech that is not all written down with dates and times and who held back what and why and when. We are here at this point. I say let us say that everybody had engaged in this with their best effort—the White House witnesses, the people that have been called forth. We still do not have the facts. Let us not ascribe it to ill will. We have a duty to gather the facts. Let us see if we cannot do it in a way that makes sense, that fulfills the obligations of the committee without the rancor, and without the partisanship.

Let me say this to you. This is not one-sided. I do not say here that my colleagues on the Democratic side have been the only ones to make unwarranted attacks. There have been plenty of attacks on both sides. There has been plenty of conjecture —plenty of it. I think it is about time though, that at least we control our own actions; we cannot control everybody out there in the universe. We cannot even control some of those who support us on either the Democratic or the Republican side. But at least we can control how we conduct ourselves, and how we move forward with what statements we make.

I could fight it out just as tough as anybody else. I do not think I am known as a shrinking violet. I have to tell you I think there is a point when we should attempt to come together—we have between now and next Tuesday—to see if we cannot work out some reasonable way to avoid some of the pitfalls that have been outlined in ''Men of Zeal'' and those pitfalls that we have already experienced. Again, if we set an arbitrary time limit, it invites the kind of thing that our colleagues, Senator COHEN, and former Democratic leader, Senator Mitchell, experienced. It will inevitably take place. We have seen some of that already. Again, I do not say it will be through any malicious actions of one party or the other.

Again, if you are an attorney attempting to defend your client, you are going to avail yourself of everything possible. You are not going to be concerned about the committee and its duty.

I would suggest, by the way—and I just leave you with this last thought—if we do not set a time line it will provide occasion to those who may be attempting to hold back to get past that date, to be more forthcoming because they are going to know that these matters, whatever they are, whatever the testimony, whatever the documents are going to come out. Better to let the chips fall where they may now as opposed to later.

I suggest to you that we will probably have a good chance of winding this up sooner rather than later. Can I give assurance, and I am willing to give assurance as to some specific time that we will cut it off? If the facts lead us to move forward, or if we have the occasion to move forward, then I think we will have to do that. Maybe we can agree to a situation whereby after the trial—and I am putting this forth; I am thinking out loud; I suggest this to the Democratic leader—after the trial, and after a certain period of time, that the leaders will confer again and we may have to come back to the investigation. You may at that time say it is unreasonable or we are going to a filibuster or we are not going to do it.

But let us attempt to work our way out of this together as opposed to us insisting and my colleagues and friends on the other side of the aisle taking their position of raising their rights and going to a filibuster. Let us see if we cannot find a solution to this problem that will permit the committee to do its work in the proper way, and to find the facts.

I thank my colleagues and my friends for affording me this opportunity.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER (Mr. FRIST). The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, my colleagues from the Banking Committee, especially the ranking member and

the distinguished Senator from Connecticut, are far more qualified to address many of the points raised by the chairman of the Banking Committee than am I. And let me say at the outset, I thank them for the remarkable job that they have done over the months in addressing this very difficult matter as ably as they have, day after day, week after week. I will leave it to them to raise many of our shared concerns and respond to many of the specific points that have been raised by the chairman.

The chairman has spoken now for over 45 minutes. In spite of all of his assurances and in spite of all of the explanation we have just heard, Mr. President, this issue boils down to one which is very simple. This issue has now become a political one.

The motivation is very clear. It is politics pure and simple. That is what it is. We ought to recognize it as that. We need to deal with it. We ought to confront it. We ought to try to find ways to contain it. But that is really what this issue is about. It is politics. And the chairman so ably stated before the Senate Rules Committee a year ago that the single biggest reason why it was so imperative that we finish by the 29th of February—the 29th of February—is that, and I quote, ''We want to keep it out of the political arena, and that is why we have decided to come up with a 1-year request.''

That is our chairman. He was right then. And unfortunately, I am disappointed that he has changed his mind now. There has never in the history, to our knowledge, of the Senate been a request of this kind—never. It is unprecedented. No one has ever said we want a fishing license to allow us to go for whatever length of time it takes. Such proposal has never been made before. And never have we found ourselves in a situation like this in a Presidential year.

Is it coincidental that given all the problems we see now in the Republican Party that they conveniently need another 6 or 7 months to take this into the Republican and Democratic Conventions? Is that what it is all about? This is unprecedented, and it is wrong. I daresay there are a lot of Members on the other side of the aisle who know it is wrong.

Mr. President, it is not just the length of time and the amount of money that we have already expended that concerns me; it is the nature of this whole investigation. Were it not for the able leadership given on so many occasions by the ranking member and so many of our colleagues on the Banking Committee, I do not know what this committee would have done. But to make an initial request that over an 18-month period any communication of any kind relating to any subject by the President, the First Lady, any present or former White House employee or any employee of the RTC and dozen and dozens of other named individuals be turned over, is that a fishing license or what? Is that a witch hunt or what?

The committee authorized a subpoena asking for all telephone calls from the White House to area code 501, the entire State of Arkansas, for a 7-month period. What is that? Is that a reasonable request? Above and beyond the committee's overbroad authorization, the majority staff unilaterally issued a subpoena for all White House telephone calls from any White House telephone or communications device for a 7-month period to anywhere in the country.

So I hear the chairman talk about how difficult it has been to get a response from the White House, how much they have been dragging their feet. My heavens, how could anyone comply with requests of that nature. I am surprised that they have gotten anything if the nature of the requests has been as broad as this. But the fact is that White House cooperation has been extensive. So that is point No. 1.

Point No. 2 is that this committee has already been operating longer than any other we have experienced in the Senate in recent history. The Whitewater committee has now run for 20 months, almost 2 full years. How does that compare to ABSCAM? Do you remember that one? That lasted 9 months. What about the POW/MIA committee? I was on that one. The effort that we made on both sides of the aisle to come up with information about what happened in Vietnam, what happened to all of the POW's and MIA's who are still missing, do you know how long we spent on that? The Congress spent 17 months investigating that, and came up with a 1,000-plus page report. Watergate only lasted 16 months. The Iran-Contra hearing mentioned by the chairman, that only lasted 10 months.

So, Mr. President, I must say 20 months and counting with a request for an indefinite time period from here on out to keep going regardless seems extreme. Our majority leader had it right. Our majority leader in talking about this issue—and you talk about men of zeal; he could write a chapter himself—this is what the majority leader had to say. He said, ''If we get bogged down in finger pointing, in tearing down the President and the administration, we are not just going to be up to the challenges ahead but all of us, all Americans will be the losers.'' That was the majority leader, BOB DOLE, as he was talking about the Iran-Contra inquiry. They made a prudent decision to come to some closure here. They took 10 months to do their work.

The third point I would say is equally as important. I do not know how much longer we can continue to ask the taxpayers to fund this fishing expedition. We have already spent over $1.3 million. The independent counsel has spent $26 million and counting. We do not know how much the House has spent. But it is our estimation that we have already spent over $30 million investigating this matter—$30 million.

I do not know whether anybody cares about what that would buy, but it buys about 26 million school lunches. It would fund 400 cops on the street, and 15,000 computers in America's classrooms. I could go on and on, if you want to get a better picture of what $30 million buys.

And when you talk about hearings, it is interesting; the American people want us to start looking into ways we can improve public education, ways we can improve the crime situation, ways that we can deal with good jobs and good health care. Do you how many hearings we have held on crime? We have had 12 days in this entire 104th Congress on crime. Do you know how many days we have spent on jobs in this whole 104th Congress? We have spent zero days. We have not found the time to find 1 day to ask people to come in to see if we can deal with the chronic problems we have in the economy in dealing with underemployed and unemployed people.

What about health care? We have not found the time to hold any hearings for health care either. Zero. Zero days on health care, zero days on jobs and the economy, 3 days on public education.

So I do not know, Mr. President, it seems to me we ought to be relooking at what our priorities are in this Senate.

The fourth point I would make is this. The chairman has said time and again that he has to wait for the end of the trials that are ongoing. The independent counsel begins next week. But we also know that on October 2 the chairman advised Kenneth Starr that the special committee did not intend to call the trial defendants and could not delay the committee's proceedings to accommodate the independent counsel.

There has not been any change in the factual circumstances, Mr. President, to explain this—I will not call it a flip-flop—but this change of heart on the part of the chairman. In any event, regardless of why he has changed his mind in that short period between October 2 and now, February 29, the legal proceedings relating to those trials could go on for years. We have seen it happen in Iran-Contra. We have seen it happen in a whole range of other cases. We have no guarantee it is going to be finished this year. I think there is a chance that none of us may be in the Senate when all that work gets done. Who knows how long this is going to last. And whether convicted or acquitted, the defendants retain their fifth amendment protections against self-incrimination. So no one should be misled, the end of the first phase of those court proceedings are by no means—no means—an indication that they will then be prepared to come before the Banking Committee.

So, Mr. President, the American people know what this is all about. They know it is a political fishing expedition. Poll after poll has shown what we already know in this Chamber. The

D'Amato hearings are politically driven. By a large margin, the poll just completed yesterday, 66 to 22, the D'Amato hearings are seen as politically driven. The public opposes granting——

Mr. D'AMATO. Mr. President, personal privilege. I do not think the minority leader—may I make a point of order? When we address Members and begin to address Members by their names, when we begin to bring this business of calling them ''D'Amato hearings,'' I think that the minority leader is out of line. I make that point.

Now, if the minority leader wants to attempt to get into personalization, then take it off the floor. Then you might be absolutely within your rights as a citizen, but not on the Senate floor.

Mr. DASCHLE. Mr. President, the hearings chaired by the distinguished Senator from New York, Senator D'AMATO, are hearings that the public fully appreciates and fully understands. The hearings chaired by the distinguished Senator from New York, Senator D'AMATO, are political. By 71–23 percent, the American people say it is time to let the independent counsel complete its work.

We have laid out in as clear a way as we can our sincere desire to come to some resolution to this issue. In the last several days we have made a good-faith effort to say, let us resolve it. We do not want to politicize it, we do not want it to drag on forever, as some on the other side would have us do. We have proposed that we finish the hearings by April 3 and complete our work by May 10. That is reasonable. It is way beyond what any other committee has done on any other set of circumstances involving investigations in the past.

We, too, hope we will not be compelled to prevent the committee from completing their work next week. Let us resolve this matter in a bipartisan way, in a way that accommodates the needs of the committee but also accommodates the recognition that we need to do our job on a whole range of other issues that must be addressed this year. With that, I yield the floor.

Mr. SARBANES. Would the Senator yield for a question?

Mr. DASCHLE. I will be happy to yield to the Senator from Maryland.

Mr. SARBANES. I say to the distinguished minority leader, when this resolution was enacted under which the special committee has been operated with the February 29 deadline, was it not the recognized intention at the time that this was in an effort to keep it out of the political season?

In fact, the chairman of the committee, Senator D'AMATO, stated when we were before the Rules Committee—and I quote him—''We wanted to keep it out of that political arena. That is why we decided to come forth with just the 1-year request.''

And I, in appearing with him before the Rules Committee, stated, ''I think it is important to try to finish this inquiry, to be very candid about it, and not take it into an election year with the appearance and the aspect that it is an election-year political effort.''

I say to the leader, was it not the understanding at the time that we wished to keep it out of the political season, a view expressed by both Republicans and Democrats?

Mr. DASCHLE. If the Senator will allow me to respond, Mr. President, the answer is absolutely yes. We decided last year that this had extraordinary political sensitivity. We understood last year that this would be a Presidential election year, and that before we got mired in all the Presidential politics, before we ended up trying to resolve this in the midst of Republican and Democratic conventions, that it was critical that we came to closure. That was critical, that we allow the independent counsel to do its work. That is why Senator D'AMATO said it so well: ''We want to keep it out of the political arena. That is why we feel the need for a 1-year request.''

So the Senator from Maryland is absolutely right. It was our intention back then, it is our intention now. Let us keep it out of the political arena.

Mr. SARBANES. This issue that we are facing now has been prompted, has it not, by the request by the chairman of the committee, the distinguished Senator from New York, Senator D'AMATO, for an additional $600,000 to carry on the inquiry for an unlimited period of time?

The distinguished minority leader put forward a proposition to allow the committee to continue until the 3rd of April with hearings and a little over a month thereafter to file the report with additional funding of $185,000, which would enable the committee to go on to do the last set of hearings but not involve us in an open-ended inquiry that could carry right through the entire political year. Is that not correct?

Mr. DASCHLE. The Senator is correct. Our intent—I think the intent of every Member when they voted on the authorization last year—was to maximize the opportunity that we get our work done, to do all we could to resolve what outstanding questions there were, and then to complete our work with the opportunity to write a report by February 29.

Mr. SARBANES. Chairman D'AMATO has quoted the Iran-Contra. I just want to turn to that for a moment, if the distinguished leader would indulge me. At that time Senator DOLE—and the distinguished leader quoted one of his quotes—but Senator DOLE also said, ''I am heartened by what I understand to be the strong commitment of both the chairman and the vice chairman to avoid fishing expeditions and to keep the committee focused on the real issues.'' He was working for a limited time period, originally just 3 months. In the end, a longer period was established. But it was pointed out at that time that it escaped no one's attention that an investigation that spilled into 1988 could only help keep Republicans on the defensive during the election year.

Chairman INOUYE, who chaired the Senate committee, and Chairman HAMILTON, who chaired the House committee, recommended rejecting the opportunity to prolong and thereby exploit President Reagan's difficulties. In other words, they were not willing to turn it into a political gain, which is what is now happening here. They determined that 10 months would provide enough time to uncover any wrongdoing.

Let me say to the leader, in order to meet that standard, the Iran-Contra committee, in the period between July 7 and August 6, held 21 days of hearings. It met Monday through Friday, over a 5-week period, with only 3 open days during that period. There were 21 hearings—this is Iran-Contra—in order to complete its work, keep it out of the 1988 election year, and not turn it into a political charade.

We urged the chairman of the committee earlier. In fact, the distinguished leader, I believe, wrote to the majority leader in the middle of January urging that the committee intensify its work in order to complete it by the February 29 date; is that not correct?

Mr. DASCHLE. The Senator is absolutely right. Based upon conversations, discussions we had with members of the committee, it became apparent we were not maximizing the opportunities that were already there. We went days, in some cases weeks, without any hearings in the committee, delaying, it seemed to us, in a very concerted and intentional way the opportunities to complete the work on time.

So without any doubt, there have been many, many opportunities for the committee to continue to do the work that the chairman articulated in his remarks. We have run out of time not because we have run out of calendar, but because we did not use the time appropriately.

Mr. SARBANES. I think the minority leader is absolutely correct.

Let me draw this contrast. I want Members to focus on this. This is the hearing schedule in the Iran-Contra hearings, an instance in which the Democratically controlled Congress set a date and undertook to meet it in order to keep that inquiry out of—out of—the Presidential election year. In other words, we sought not to play politics with that issue, and in order to complete in a 1-month period, we held 21 days of hearings in order to complete that work.

Contrast that with the Whitewater hearings over the last 2 months of the committee's existence—not the last 1 month; the last 2 months. In January, no hearings this week; no hearings except 1 day; no hearings here except 2 days; no hearings here except 2 days; 2 days. Eight days of hearings over the entire month of January, 8 days only during the entire month of January.

Actually 7 days. I misspoke; 7 days of hearings.

In February, did it get much better? No, it did not. In the month of February, 8 days of hearings. Seven days in January, 8 in February, for a total of 15 over a 2-month period, as we are coming toward the deadline. Contrast that with the Iran-Contra committee, which held 21 days of hearings in a 1-month period as it approached its deadline in order to complete its work.

In fact, this week there are no hearings at all. Last week, there was only one hearing. So instead of an intensification, which the leader requested and which we urged on the chairman of the committee, we had just the contrary—just the contrary.

It was our articulated position in mid-January, and one I continue to hold to in retrospect, that if we had followed an intense hearing schedule, as the Iran-Contra committee did, the work could have been completed. That did not happen. Then we get a request for $600,000, which would take this committee's allocation up to $2 million, and an indefinite time period for the inquiry.

The minority leader, the distinguished Senator from South Dakota, offered an alternative, which I thought was eminently reasonable. The alternative of the minority leader provided that the hearing schedule would be extended 5 weeks, until the 3rd of April, and the time for the filing of the report until the 10th of May.

This matter was taken up in the committee and it was rejected, I regret to say, on a straight party-line vote of 9 to 7; an eminently reasonable proposal. The proposition now that advanced out of the Banking Committee and went to the Rules Committee, the resolution that Chairman D'AMATO is referring to, is a proposal for $600,000 and an indefinite time period, which, of course, guarantees that this matter will be carried out right through the election year.

The public confidence in this inquiry, to the extent it has not yet been eroded, will, in my judgment, be severely eroded by pushing this inquiry further and further into the election year. That was recognized when we passed Resolution 120.

I think there is a growing perception in the country that these hearings are being seen as being politically driven. Of course, that undercuts the credibility of the hearings. The public contrasts the attention and hearings here compared with no hearings on Medicare cuts, hardly any hearings on jobs, and so forth. The independent counsel is there to carry out inquiry, in any event, and many obviously feel that he should be allowed to do his work.

No congressional committee has ever placed itself behind an independent counsel. We did not do that in Iran-Contra, and we should not do it here.

I say to the leader that an intense hearing schedule could complete this matter. That is what ought to be done. I think the proposition put forward by the leader is right on target.

Mr. DASCHLE. If I can just respond to a point made by the distinguished ranking member, I direct attention, again, to the chart that the distinguished ranking member has displayed, because I think it really—keep the one that is right here; that is the one that I think says a lot.

Mr. SARBANES. I have both January and February.

Mr. DASCHLE. But the one in February, I think, makes the point you have been making very well. We have heard the assertions by the chairman of the committee that, indeed, they need the extension of time to hold more hearings. And yet, if you look at just February, no hearings were held on Mondays. No hearings in the entire month of February were held on Fridays. No hearings in the entire last week prior to the expiration of the resolution were held at all. No hearings, except for one, were held in the second to the last week in February.

So it seems to me, Mr. President, that, indeed, this chart speaks for itself and is the best response we can make to the consideration of additional time.

If there was such a need, why did they not meet on Mondays? Why did they not feel the need to meet on Fridays? Why did they not hold any hearings in the last week in February? Why just one in the second to the last week?

Mr. President, I thank the ranking member for so clearly articulating what the circumstance has been during this critical last month of effort by the committee itself.

Mr. SARBANES. Let me just make the further point to the leader, in these months of January and February, the Senate was not in session voting on the floor. We urged the chairman of the committee to have an intense hearing schedule, which would be made easier by the fact that it would not be interrupted for votes, that we would be able to really begin early in the morning and go late into the day.

Many of these hearings that were held began at 10:30 or 11 o'clock and ran until 1:30 or 2 o'clock in the afternoon. Not all of them; some extended through the day. But once again, the comparison between this hearing schedule and what occurred in the last month of Iran-Contra is absolutely dramatic.

In spite of the fact that we did not have intensified hearings, the minority leader said, ''Well, we'll provide some additional time.'' That was the alternative that was offered.

In other words, Chairman D'AMATO said, ''Well, we want the $600,000, and we want an unlimited time period to carry on this inquiry,'' right straight through 1996, I assume, until the eve of the election. My distinguished colleague from Illinois commented in the committee one day. He said, ''There will be no more hearings after November 5.'' He said, ''I can guarantee you that,'' if he will recall making that statement. That would obviously make it political—the very thing that Senator DOLE spoke about in 1987 when we were considering the Iran-Contra, and the very thing that was spoken about here last year when we were considering this committee, on both sides of the aisle. Then at least there was a recognition of the desirability of keeping it out of the political year, not politicizing the inquiry, and not leading to a public perception that what was going on was a straight political exercise.

Now, the minority leader, in order to try to accommodate, I thought, made a very reasonable proposal. That is the one that we offered in the committee and, unfortunately, it was rejected on a straight partisan vote. A straight partisan vote rejected the proposition for a further extension until the 3d of April, and some time beyond that, to do the report. And so the proposition now that moved out of our committee, and is pending in the Rules Committee, is for an indefinite extension and $600,000 worth of additional money.

I say to the distinguished leader that, in my perception, he has offered a very reasonable proposition. My own strong view, obviously, is that it should have been accepted. I do not think that we ought to undertake an indefinite extension. I think that is an unreasonable proposal on its face, and that is the issue that is now joined, that we are now contending with here on the floor of the Senate. But the contrast between Iran-Contra and how that was handled by a Democratic Congress with a Republican administration could not be sharper.

Mr. DODD. Will the minority leader yield?

Mr. DASCHLE. I will soon yield. I was just given a notice that would be of interest, I think, to our colleagues. Congressman HENRY GONZALEZ just released the February 25, 1996, supplemental report to the Resolution Trust Corporation, entitled ''A Report on the Representation of Madison Guaranty Savings and Loan by the Rose Law Firm.'' In releasing the document, Congressman GONZALEZ makes the following very brief statement:

> The report completely supports the Clintons and shows that they have been wrongly accused. The report shows clearly that the Clintons told the truth about Whitewater. As for Madison Guaranty Savings and Loan, the Clintons knew nothing about the shady activities of Madison's owners. With regard to the charges that Mrs. Clinton knew about wrongdoing in the Casa Grande development, the report shows that these claims are false.

Mr. President, I yield to Senator DODD.

Mr. DODD. Mr. President, I was going to raise that question. I was wondering whether or not the minority leader is familiar that the report prepared by Pillsbury, Madison & Sutro, at the cost, I point out, of nearly $4 million, using the services of former Republican U.S. attorney Jay Stephens. They reached the conclusion—to quote from the report, that ''there existed no basis

whatsoever. There is no evidence, however, that the Rose Law Firm had anything to do with the sales. In essence the evidence suggests that these transactions were put together by Mr. McDougal and others at Madison.'' It further concludes, ''It provides no basis for any sort of claim against the Rose Law Firm and, hence, Mrs. Clinton.''

I point that out and ask the leader whether or not he is aware of this. But the earlier report, which this latest report supplements, concludes on page 78 of the report, ''Therefore, pending the results of the criminal case, it is recommended that no further resources be expended on the Whitewater part of the investigation.'' Was the minority leader aware of that conclusion?

Mr. DASCHLE. I respond to the distinguished Senator of Connecticut that I was not aware, until today, that the report had been completed and made available, and that it had such a resounding exoneration of the Clintons. I am not sure all of our colleagues are aware who wrote the report and under what circumstances this investigation was taking place.

Mr. DODD. It was done by a private law firm hired by the FDIC—not Congress, or by Democrats or Republicans—that has expertise in this area. The law firm is Pillsbury, Madison and Sutro, located, I think, on the west coast, using the services, I point out, of a former Republican U.S. attorney, Jay Stephens. They spent $4 million, in addition to the almost $26 million being spent by the independent counsel, the almost $2 million for the committee—and I do not know what the number is in the House—totaling more than $30 million spent on this investigation. Here is their report now that was added because, after the billing documents were discovered in December, they decided they better wait and take a further look at this. These conclusions are based on after examining those billing records that the people have talked so much about. Their conclusion is to stop it, do not spend another nickel on this, not another red cent. That is the conclusion of an independent body under the leadership of a former Republican U.S. attorney. Stop it. No more money on this.

Now, I inquire of the minority leader. That is not what we recommend. The minority leader's recommendation was to allow another month of hearings, and another month after that for a report to be filed; is that not correct?

Mr. DASCHLE. The Senator is absolutely correct. Just to make sure everyone fully appreciates what it is we are suggesting, you have an extraordinary investigation being conducted, as the Senator has indicated, by an independent body, largely directed by a Republican, who is not known for his love or affection for the President or the First Lady, who have concluded, as was just indicated, that there is no merit to continuing any further in this investigation. That is No. 1. Then you have an independent counsel whose activities and extraordinary amount of effort already put forth will go on for who knows how long, requiring millions and millions of dollars more and months and months and months more. So we have on top of that a Senate committee, which has now been in existence for more than 20 months, which is not asking for a week, 2 weeks, or 3 weeks to complete its work. But they want an unlimited amount of time. They cannot tell us whether it is going to be this year, next year, the year after, or how much longer they are going to want.

So I say to the distinguished Senator from Connecticut, the recommendations made by the Pillsbury report, I think, are shared by the vast majority of the American people. It is time to end this. We have to take those limited tax dollars and put them to better use here, in areas like education, the environment, in hearings on how to find better jobs, in areas that this Senate ought to be directing its effort toward, not in more politicized Whitewater investigations.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The minority leader has the floor.

Mr. DASCHLE. I yield to Senator DODD.

Mr. DODD. I say further to the minority leader, I do not know if he was aware of the amount of work. But here are almost 300 pages of a report by the Pillsbury firm. It was the initial report in December, and then this is the supplemental report of February that comes in. There is in excess of 300 pages after a 2-year study, by the way. This is 2 years of work, some $4 million, as I pointed out earlier. I was not aware whether or not the minority leader knew exactly how extensive this report was.

Further, may I inquire of the minority leader, he pointed out earlier how much time had been spent on matters such as Medicare, Medicaid, education, health, and the environment. I inquire of the minority leader whether or not he was aware that over the past 2 years, in addition to almost 50 hearings, by the way, on the Whitewater matter, and I gather another 15 hearings on Waco and Ruby Ridge, some 60 hearings, more than 60 hearings were conducted, juxtapose that with the hearings that were not held, frankly, in this 104th Congress on the issues that people do care about.

The minority leader, was he aware of the number of hearings?

Mr. DASCHLE. First, I respond by saying I was not aware that $2 million had been spent on the Pillsbury investigation——

Mr. DODD. Mr. President, $4 million.

Mr. DASCHLE. Excuse me, $4 million on the Pillsbury investigation.

They have now completed their work. As the Senator from Connecticut has indicated, they have recommended that there be nothing else done. They have completed their work, they have come to a definitive understanding of what happened, and are recommending that no additional action be taken. In spite of that, we are recommending additional time.

The Senator makes a very important point. In a poll taken just recently, the American people said of all the issues that they care the most about, public education by more that 2 to 1 is the most important priority that they hope the Senate and the Congress will devote its attention to; following closely is the effort to control crime.

Mr. President, 64 percent, almost as many people, felt we ought to look at the economy and good jobs. Here we have the American people saying, if it is up to them, they want to talk about education, they want us to deal with it. They want to talk about crime control and want us to deal with it more effectively. They certainly want us to try to find ways to build an economy that creates better jobs.

Yet, on those issues, there have been no hearings on the economy and jobs designated to examine ways with which to try to improve this situation. Of all the days we have had, now more than 400 days since the 104th Congress began, we can only find 3 days out of more than 400 to find time to hold a hearing on public education—3 days.

Mr. President, I think that speaks for itself. We can do better than that. In part, that is really what this is all about. Where do we put our attention? Do we really feel the need not for another month, not for another 2 months as we propose for the hearings and the report, but for an unlimited period of time? Do we really feel the need to go on and on and on with these hearings, given the record just in the last month of February, of this committee and the work that it has done so far?

Mr. DODD. Further, I inquire of the minority leader—he made the point earlier about other investigations that have been done by Congress. I asked our staff to compile a list of the most prominent of those hearings, Watergate being the one that most people probably recall the best, with the Church committee, going back to 1975. Some Members may recall that committee's work. Billy Carter and Libya—we have probably forgotten about that, but that got a lot of attention—ABSCAM; Iran-Contra; HUD; POW–MIA.

I just inquire, in every single one, I do not know if the minority leader was aware, but every single one of these hearings there was a termination date. I do not know if the minority leader was aware of that. I ask unanimous consent, Mr. President, that this list be printed in the RECORD for the purpose of people looking at it.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL INVESTIGATIONS

1. Watergate:

Authorizing resolution—February 7, 1973.

Initial reporting date—February 28, 1974.[1]
Final report—June 27, 1974.
2. Church Committee (Intelligence activities):
Authorizing resolution—January 27, 1975.
Initial reporting date—September 1, 1975.
Final report—April 1976.
3. Billy Carter (and Libya):
Authorizing u.c. agreement—July 24, 1980.
Date for interim or final report—October 4, 1980.
Report (designated interim, actually final)—October 2, 1980.
4. Abscam:
Authorizing resolution—March 25, 1982.
Reporting date—December 15, 1982.
Final report—December 15, 1982.
5. Iran-Contra:
Authorizing resolution—January 6, 1987.
Initial reporting date—August 1, 1987, extendable to October 30, 1987.
Final report—November 17, 1987.
6. Special Committee on Investigations, Indian Affairs (Federal administration of mineral resources and other matters):
Authorizing resolution—April 12, 1989.
Initial reporting date—February 28, 1990.
Final report—November 20, 1989.
7. HUD/MOD Rehab (Banking Committee):
Authorizing resolution—November 21, 1989.
Reporting date—February 28, 1991.
Final report—November 1990.
8. POW/MIA:
Authorizing resolution—August 2, 1991.
Committee to terminate—end of 102d Congress (January 2, 1993).
Final report—January 13, 1993.
9. Leaks (Judiciary—Anita Hill; Ethics—Keating):
Authorizing resolution—October 24, 1991.
Reporting date—not later than 120 days after appointment of counsel.
Final report—May 13, 1992.
10. First phase of Whitewater:
Authorizing resolution—June 21, 1994.
Reporting date—end of 103d Congress.
Report—January 3, 1995.

Mr. DODD. Mr. President, every single major investigation done by the U.S. Congress over the last 20 years that I can find in resolutions that had to come before this body had termination dates in them, primarily because of the very reason the minority leader has raised the issue today—they become open ended, they become political, it becomes a fishing expedition. That is why the wisdom of our colleagues historically has said, ''Look, we will let you run, but you do not run indefinitely. You have to finish up your work. If you do not, we know what you do.'' They did not say ''Republicans,'' they did not say ''Democrats.'' They said, ''All of you.'' We will put a termination date on here so you come back to the full body and report and get it over with.

Otherwise, these things go on indefinitely. With all respect to my colleague from New York, his proposal is just that—to go on indefinitely with another half million dollars.

I inquire of the minority leader whether or not he was aware that, in fact, there were termination requirements in every single major hearing by this Congress?

Mr. DASCHLE. I respond to the distinguished Senator from Connecticut saying the answer is, yes, I was aware of it. I think most people are aware this is an unprecedented request. Never, at least in recent history here in the Senate, has a committee ever asked for an unlimited amount of time to continue an investigation. Never. The list that has just been submitted for the RECORD demonstrates what has happened through all the investigations that we have had in recent times. We have submitted a date. Now, in some cases those dates have been extended. In fact, I think that happened with the Iran-Contra at one point. Those dates had to be extended.

However, in no case has any committee been given the authorization for an unlimited period of time to continue to carry on whatever it is they were doing. This is unprecedented. This is precedent setting and just one of the myriad of reasons why we feel so strongly about the impropriety of this request.

Mr. SARBANES. Will the Senator yield?

Mr. DASCHLE. I am happy to yield to the Senator.

Mr. SARBANES. One of the strongest——

Mr. D'AMATO. Mr. President, is that for a question?

Mr. SARBANES. Yes.

Mr. D'AMATO. I just wanted to ascertain if it was for a question or for the purpose of yielding the floor. It is proper to yield for a question. I have now watched this discussion and observed this for a period of time, but I do believe there is a manner by which Members can seek the floor. It should not be by way of any Member yielding to a Member unless it is a unanimous-consent request and reserving time. Certainly, the posing of a question is proper, and if it is yielding for a question, I understand and will not object.

I ask my colleagues, in the interest of comity, because the Senator from New York would have engaged in the same situation and I understand people want to make their points, but there are others who would like to make their points. I hope that if you yield it would be for a question and we can work out some way in which my colleagues can make their points without having to impinge on the rules.

Mr. DASCHLE. We could probably ask the clerk how much time has been allotted to this debate so far and who holds the majority of time so far consumed. I know that the chairman had a good deal of time to express himself, and we did not object to that. We certainly will not object to further comments by the chairman or anybody else, but certainly in keeping some balance, I certainly hope that he understands the need for us to have an equal opportunity to address many of the points he raised.

I yield to the Senator from Maryland for a question.

Mr. D'AMATO. May I inquire of the clerk if they have kept time?

The PRESIDING OFFICER. The Democratic leader has the floor.

Mr. DASCHLE. I yield to the Senator from Maryland for a question.

Mr. SARBANES. Is the minority leader aware that one of the strongest advocates of placing a time limit in order to ensure that the hearings would not drag into a political year was the then-minority leader, now majority leader, Senator DOLE, at the time of Iran-Contra?

At that time, he said there was a conflict between some Democrats, both in the House and Senate, who wanted no time limitations placed on the committee and Republican Members who wanted those hearings completed within 2 to 3 months, which was an absolutely truncated period.

I want to point out that we joined in a resolution last year in May that carried these hearings to February 29, so we made no effort then to have such a truncated period that it would not be possible to do the work.

Senator DOLE then said he wanted to shorten the time period even more. He says, ''I do believe that shortening the time period from October 30 to August 1 is a step in the right direction. If, in fact, we do want to complete action on this resolution at the earliest possible time, then the August date will be extremely helpful.''

Then he went on to say, ''I am heartened by what I understand to be the strong commitment of both the chairman and vice chairman to avoid fishing expeditions, to keep the committee focused on the real issues.'' Later in debate he said, ''There is still a national agenda that needs to be pursued. There are a number of issues that must be addressed. The American people are concerned about the Iran-Contra matter, but they are also concerned about the budget, about the trade bill, about health care, and a whole host of issues that will have to be addressed in this Chamber. The problems of the past, as important as they are, are not as important as the tasks of the future.''

Now, the Democratic-controlled Congress recognized—it escaped no one's attention—that if the investigation spilled into 1988, it would keep the Republicans on the defensive during an election year. And Chairman INOUYE of the Senate, Democratic chairman, and Chairman HAMILTON of the House, recommended rejecting the opportunity to prolong the hearings. They determined that 10 months would be enough, and they agreed to a termination date.

Mr. DODD. Will my colleague yield to me, in response to a question, just on the point the Senator from Maryland is making?

Mr. DASCHLE. I will yield to the Senator from Connecticut.

Mr. DODD. This is a very good point. I ask the minority leader if he would not agree this is a tremendously important point. I want to point out to my colleagues here and the minority leader that prior to that time, Mr. Poindexter and Mr. North had deleted—this was public information—over 5,000 e-mails. Mr. North had a

[1] Often reporting dates are in the form of, as in the Watergate resolution, ''at the earliest practicable date, but no later than _____.''

shredding party at the White House, as reported by the United Press International. Fawn Hall had changed sensitive documents on North's orders, as reported, by the way, all prior to the consideration of abbreviating the hearings. I ask the minority leader—so we have had none of this, by the way, under this present investigation.

Here, with this information of shredding documents, destroying e-mails, trying to take documents by stuffing them in their cowboy boots and sneaking them out of the White House—knowing that, with full information, is it not correct, I ask the minority leader, that the point that the Senator from Maryland is making is even more poignant, because even with that information, the Democratically controlled Congress said, give a finite period and wrap up these hearings. Is that not true?

Mr. DASCHLE. Both Senators make a very important point. In the face of tremendous evidence of obstruction of justice, that Congress decided that there were more important considerations.

There has been no finding of wrongdoing in this case. So the analogy that others have used with regard to this particular investigation is wrong. It is baseless. So I think the Senator from Connecticut makes a very, very important point.

Mr. DODD. When the two Senators from Maine made the case about extending the hearings, they were fully aware of this kind of information. Was that not the basis for the point in the book they talk about?

Mr. DASCHLE. That was exactly the basis and that was the whole point made by the Senators in their book.

Mr. SARBANES. Furthermore, if the leader will yield, is it not the case that any charge relating to obstruction of justice will be handled by the independent counsel? This committee is not going to bring such a charge, or instigate any punishment. We do not have the authority to do that. That is something the independent counsel does. And is it not the case that whenever our hearings end, the independent counsel will continue? He has an open-ended charter, and it is his responsibility to look into this matter and to bring charges for any violation of the criminal law.

Mr. DASCHLE. And the record will show, I would say to the distinguished Senator from Maryland, that that is what happened in the Iran-Contra hearings. The investigation, I should say, by the independent counsel, went on and on for years following the committee. So I think the Senators have made a very, very important point.

Mr. PRYOR. Mr. President, will the Senator from Maryland—who has the floor, Mr. President?

Mr. DASCHLE. I retain the floor, and I yield for a question to the Senator from Arkansas.

Mr. PRYOR. I would like to inquire, Mr. President, of the very distinguished Democratic leader.

Yesterday I was sitting in a Finance Committee hearing. We were listening to the Governors' reports on Medicare and Medicaid. And, by the way, we were here almost at the first of March. For the information of Members of the Senate, this was only the fourth meeting this year, the fourth meeting this year of the Senate Committee on Finance.

One of our colleagues on the committee, I say to my colleague from South Dakota, expressed disbelief that we have not yet dealt with the welfare package, that we have not dealt with passing the welfare reform bill. And I happened to calculate, well, one reason we are not dealing with legislation is pretty simple: The Senate is not functioning this year.

As a matter of fact, in 1995, up until this point, I say to my colleague from South Dakota, the distinguished leader of the Democrats, we have had 97 votes; we have had 97 votes in this body. In 1996, by the same date, we have had only 21 votes in the U.S. Senate, in 1996. There is only one committee, for all practical purposes, that has been functioning, and that is the so-called Whitewater committee. In 1996, with 15 hearings, 15 hearings thus far, 47 hearings total—time consumed, resources of the Federal Government. In fact, we have had almost as many hearings of the Whitewater committee as we have had votes in the Senate in the year 1996.

I wonder if the distinguished minority leader was aware of those facts?

Mr. DASCHLE. I was not aware of them, but it goes to the point that we were making earlier, I say to the distinguished Senator from Arkansas, that there have been no hearings on health care, there have been no hearings on the economy and on jobs. There have been only 3 days of hearings on public education—3 days in all of this time.

So the point made by the distinguished Senator is an accurate one. The fact is, nothing is being done. There is no effort to address some of the major concerns that people have expressed over and over in poll after poll. So I think the Senator makes a very valid point.

Mr. PRYOR. Mr. President, I wonder if my distinguished leader would also answer this question. I wonder if the distinguished leader was aware that already the Whitewater committee has deposed 202 persons—202 persons?

Mr. DASCHLE. I was not aware.

Mr. PRYOR. I do not know how that would compare with Iran-Contra or some of the other hearings we have had, but I tell you that is a lot of people to depose.

Mr. President, 121 witnesses have now testified before the Whitewater committee. The Whitewater committee has subpoenaed all long-distance telephone records, domestic telephone records, calls by the White House, and they have examined 45,000 pages of White House documents. I think this is an unheard of amount of evidence that they are trying to go over and over and over.

Mr. President, also I noted in the Washington Post, finally—finally—the newspapers and press are about to become aware of an issue that I think is also critical to this story, and that is the amount of legal fees, the amount of legal fees that many of these witnesses are being forced to bear. Most of them could not afford these fees. There were stories this morning in the Post about some of those individuals and some of the tremendous, burdensome, and very high, tremendous legal fees that these individuals are being now asked to assume personally—not paid for by the Government, but personally. This will bankrupt them into perpetuity. It will destroy their financial lives and their financial well being. And I hope, Mr. Leader, that we will see a higher degree of sensitivity to those concerns.

Mr. DASCHLE. I think the Senator from Arkansas makes a good point.

Mr. President, it is not my desire to prevent others from seeking recognition. I know the Senator from Illinois has waited a long period of time to ask a couple of questions. I will defer to him and yield to him for purposes of asking the question, and then I will yield the floor.

Mr. SIMON. I thank the minority leader. I appreciate it.

On the point Senator PRYOR just made, that we have had 121 witnesses, Senator SARBANES has described this as a fishing expedition. And you have, Mr. Leader, said absolutely nothing has come up in terms of either illegal or unethical activities on the part of either the President or the First Lady.

Would it be fair to characterize this fishing expedition, that has cost the taxpayers huge amounts of money, that is a fishing expedition going after a whale but so far has not even produced a minnow?

Mr. DASCHLE. That is an innovative characterization. I think the metaphor it represents is an accurate one. There is not much evidence of any real catch here. And that is really what the effort has been all about, to see if they can get a political catch. The political catch has turned up empty.

Mr. SIMON. The Senator from South Dakota, and my colleague from Maryland, for whom I have great respect, have gone further, frankly, than I would go in saying we will continue this until April 3. Frankly, if I could vote to cut it off tomorrow, I am going to vote to cut it off tomorrow, because I think it is getting nowhere. I think the American people understand that. I like my colleague from New York. He is fun to be with, and I read his book, ''Power, Pasta, and Politics.'' And it is pure AL D'AMATO. It is fun to read. But I think we have to recognize the political purposes.

Why are we doing this? It is hard for me to come to any conclusion other than we are doing it for pure politics. Is not it true that there is an excessive

amount of cynicism out here in our society today? I think one of the reasons for that excessive amount of cynicism is that we play partisan games around here. I am not saying the Republicans are the only ones guilty of that. We are guilty of it. PAUL SIMON has been guilty of it occasionally. I am sure none of the rest of you have been guilty of that. But I think that is what makes the public cynical. They see us playing political games instead of dealing with the real problems. I think what you are trying to do is to say let us move on to the real problems.

Then one final point that ties in with what Senator PRYOR had to say: Not only are we hauling people in—121 witnesses who have to hire lawyers and their expenses—but we are terrifying people. This is not fair to people. We are calling in secretaries and people who have probably never even talked to a Senator. And all of a sudden they are on television—a nanny. We are calling people in who know nothing. The one witness ended up his statement saying, ''I do not know why I am here.'' I said to him—a lawyer by the name of Jennings—I said, ''Mr. Jennings, that is two of us. I do not know why I am here either.''

I think we have to stop playing games. I think that is the thrust of what the minority leader is trying to say.

Mr. DASCHLE. I thank the distinguished Senator from Illinois for the eloquent points which he has made.

I read a comment just this morning that I think is so appropriate. It goes to the points raised by the Senator from Illinois and the Senator from Arkansas. Somebody said in the paper this morning, ''Welcome to the Federal Government. You need a telephone, a tablet, and a lawyer.'' ''A telephone, a tablet, and a lawyer.'' And there are some lawyers that have already garnered more than a half-million in fees to represent people of modest means before this committee and others. That is wrong. We should not subject people who want to dedicate themselves to public service to that degree of financial burden, to that degree of concern and humiliation in some cases.

So I think the Senator from Illinois has made a very important point.

I know that there are others who seek the floor. At this time, I yield the floor.

Mr. FAIRCLOTH addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. D'AMATO. Mr. President, might I ask my friend and colleague to yield to me for 30 seconds without losing his right to the floor?

Mr. FAIRCLOTH. Yes.

The PRESIDING OFFICER (Mr. THOMPSON). Without objection, it is so ordered.

Mr. D'AMATO. A question was just raised. How deceptive things can be. Yes. A witness did say—and he was a lawyer, a very distinguished lawyer—''I do not know why I am here.'' That was, I guess, Mr. Jennings.

Let me tell you why the committee had him appear. This is an example. We had Mr. Jennings appear because he came to Washington and had a meeting with Mrs. Clinton, and David Kendall, her lawyer, just days after the RTC–IG report criticizing the Rose Law Firm was released. And he happened to represent Seth Ward who had significant transactions. We did not just drag somebody in willy-nilly. The fact is he had total memory loss as it relates to significant questions. We have not even gone into that.

I yield the floor.

Mr. SARBANES. Will the Senator yield for an observation on that point?

Mr. FAIRCLOTH. I was going to make an observation.

Let me finish, and then I will yield.

Mr. DODD. Just to respond to that particular point which the Senator had.

Mr. D'AMATO. Our colleague has the floor, and it has been over 1 hour since the other side had their right.

Mr. FAIRCLOTH. I yield 30 seconds to respond because I want to come back to it myself.

Mr. DODD. I thank my colleague.

I think as to the point which has been raised here regarding Mr. Jennings, a phone call to him, as far as deposition, would have answered the question. He had come up. He was asked because he practiced law in Arkansas with Mrs. Clinton, and the issue was raised as to whether or not she was a competent lawyer. That is why they came together. He could have answered that question in about 15 minutes. Instead he was brought before the entire committee for a whole day. He said she was competent.

Mr. FAIRCLOTH. The Senator says that we could have gotten an answer by a phone call. We could not get it in a full day of testimony. He could not remember how many times he had been to Washington. He could not remember what he was here for. He had no earthly idea, and told me he flew from Arkansas to Washington for 20 minutes to recall cases he had tried with the First Lady. He did not even know who paid for the trip. But talking about something that could have been handled by the telephone, the meeting with the First Lady, that would have been it.

But, Mr. President, I have watched just how we have gone on here, and, No. 1, what we are trying to do here is put a price on this investigation. What the Democratic side of the aisle, the other side of this aisle, is saying, is that we should put a price on the integrity of the White House, and it is costing too much to establish whether there is integrity in the White House or not, and that we should cut off, and let it go. We simply cannot afford to establish the price of integrity of the White House.

But as to the length of a hearing, it is the length of a bullfight. It is whose ox is being gored. And right now, the way it is going I do not see why anyone would not want the hearings to continue. In fact, to clear her name, I would have thought the First Lady would have been down here saying, ''Please go on with the hearings. I want this cloud removed from my law practice, and what I have done in my life prior to being in Washington.''

But what I would like to do very quickly is compliment the chairman. He has done a great job, in fairness, as chairman of the special Whitewater committee. Just in a brief word, the former chairman, Don Riegle, did a great job too. So we have had good, honest leadership in the Whitewater committee from day one.

But just so many things come up that I want to respond to. The distinguished and honorable Senator from Arkansas, Senator PRYOR, said we have not dealt with welfare. The House passed a great welfare bill. The Senate passed a good one, and out of conference came a good welfare bill that would serve this country well. If I remember correctly, the President vetoed it. That was not dealing with welfare.

I think the first question here that needs answering is why are the Democrats in the Senate and the White House so determined to end the investigation? If there is nothing there, then why not continue, what harm would come to the White House?

Do not tell me it is the cost of money. There has been a constant attempt to deceive and to weave a gossamer facade to cover this up. That is exactly what it has been from day one, and I have been to most of the hearings. It has been a constant effort to deceive, we weave, we cover it up, and we get it out of here.

Why not continue? As I say, it would appear to me that to remove this cloud the President and First Lady they would be down here asking the hearings to be continued. I think their actions have answered the question.

There is very much something to Whitewater. Look at the people who have been indicted, or are under investigation, and look at those who have resigned. The honorable minority leader said we had not caught a minnow. But I doubt if some of the people that have been indicted, or who are under indictment, like the Governor of Arkansas, and are going to be tried, would classify themselves as minnows. They certainly would not like us to.

If there was nothing to this investigation, why else would billing records under subpoena for 2 years turn up in the White House in the reading room next to Mrs. Clinton's private office?

Now, the honorable Senator from Connecticut was referring to some past investigation in which they carried records out of the White House in their cowboy boots. Well, to answer that, I say to Senator DODD, Maggie Williams did not need cowboy boots to get them from Vince Foster's office to the President's quarters. They got there. How

else could they have gotten there. This is the most secure room in the world. And I go back to saying, if it is not the most secure room in the world, it ought to be. And anybody who knows how to make it more secure ought to tell the Secret Service people, because where the President sleeps it should be.

Mr. President, how would the average citizen fare if he were raided by the FBI and a 10-pound bag of cocaine was sitting on his dining room table or in his reading room in his house and he said, ''I don't know how it got there. It couldn't have been me.'' It is here. How did it get here? What would they say? ''Oh, well, that's perfectly fine; you know, things like that happen all the time.'' No.

Well, these records showed up. They are valuable, and have been under subpoena for 2 years, and we need an answer to how they got there.

Take the notes from Mr. Gearan and Mr. Ickes, where have they been? Why would they have been hidden for 2 years? Because the meetings show possible attempts to obstruct the Department of Justice investigation. Very simple. The notes on the meeting we went over and over with Mr. Ickes, they wanted to make sure the Arkansas Securities Commissioner Beverly Schaffer and the White House were synchronized in telling the same story to the Federal investigators.

Well, Mr. President, the truth does not have to be synchronized. If she is telling the truth, it was the truth going in and it will be the truth coming out.

Why would the White House go to such length and use parliamentary maneuvers to block consideration of the resolution? We know they oppose it, but they do not want it even debated.

Mr. President, another question that needs answering here is whether or not Governor Clinton gave out leases from the Arkansas State government in return for campaign contributions. Hearings that were scheduled to occur this week probably would have answered that question, if we could have had the hearings.

The committee planned to explore the possibility that an Arkansas State agency, the Arkansas Development Finance Agency, known as ADFA, was ordered to lease a building owned by Jim McDougal in exchange for Mr. McDougal hosting a fundraiser for then Governor Clinton in 1985.

Mr. President, the second question is whether Dan Lasater was given preferential treatment on State bond contracts.

Now, for those of you who do not remember, Dan Lasater was a convicted drug dealer who, by sworn testimony, provided airplane travel, some 35 trips, for the President, when he was running for Governor of Arkansas. He held fundraisers at his offices around the State of Arkansas to raise funds for Governor-to-be Clinton. And then State bond business was directed to him to the amount of at least one windfall profit of $750,000, and it has been reported that the Governor himself lobbied the legislature to make sure that the contract was awarded to Mr. Lasater.

Dan Lasater gave a job to Roger Clinton, Bill Clinton's brother. He paid off Roger Clinton's drug debts. This is a true friend of the President. Dan Lasater was eventually convicted of trafficking in drugs.

Mr. PRYOR addressed the Chair.

Mr. FAIRCLOTH. I was corrected by Patsy Thomasson at the Whitewater hearing; he was convicted of ''social distribution'' of cocaine.

Mr. PRYOR addressed the Chair.

Mr. FAIRCLOTH. I suppose there is some gossamer difference there, but I am not aware of it.

Mr. PRYOR. Mr. President, will the Senator from North Carolina yield for a question?

Mr. FAIRCLOTH. No, I will not. I have been waiting for some hour and a half, and I will yield when I am finished.

Mr. PRYOR. I was only going to ask what Lasater has to do with Whitewater, which is absolutely nothing, and the Senator from North Carolina should know that.

Mr. FAIRCLOTH. Mr. Lasater has a lot to do with Whitewater, and the Senator from Arkansas should know that. Mr. Lasater was convicted of ''social distribution'' of cocaine. He was sent to prison. He was pardoned for his crime of drug trafficking by then-Governor Bill Clinton. Dan Lasater's company received tens of millions of dollars of State bonding contracts from the Arkansas development and finance authority. This was an agency controlled by Governor Clinton. Patsy Thomasson was Dan Lasater's top assistant for nearly 10 years. She had his power of attorney to handle his financial interests and run his companies while Dan Lasater was serving time in prison for trafficking in cocaine.

Now, in a twist of irony, the former head of the Arkansas Development Finance Agency is head of White House personnel, and guess who his deputy is? Dan Lasater's former deputy, Patsy Thomasson.

The committee is specifically charged under Senate Resolution 120 with probing the links between Dan Lasater and the Arkansas Development Finance Agency. The link takes us right to the top of the White House. If that does not bring Dan Lasater into Whitewater, I do not know what does.

Is this why the White House wants to stop the investigation? All of a sudden, after being willing to throw millions and billions of dollars at any project anywhere in the world, now they say we cannot continue, we cannot afford this investigation; it is breaking the Government. We send foreign aid around the world. The President supports it. He supports money for any giveaway program. But here the Democrats are saying now we cannot do this.

Mr. SARBANES. Will the Senator yield?

Mr. FAIRCLOTH. No, the Senator will not yield.

Mr. SARBANES. Why don't you bring him in for a hearing?

Mr. FAIRCLOTH. Why don't we do what?

Mr. SARBANES. Why don't you bring him in for a hearing?

Mr. FAIRCLOTH. The President?

Mr. SARBANES. No, Lasater.

Mr. FAIRCLOTH. We are going to.

Mr. SARBANES. Why don't you do it. You had all these days when you could have done it, and you did not do it. Why don't you bring him in?

Mr. FAIRCLOTH. We are going to bring him in.

Mr. SARBANES. Let's have a hearing. Let's test the allegations.

Mr. FAIRCLOTH. We had his lieutenant here, and we are going to bring Dan Lasater in. And we are looking forward to having him.

Mr. SARBANES. You had all the days when you could have done it, and you did not do it.

Mr. FAIRCLOTH. We are going to do it in the future.

I comment to the Senator from Maryland, there are so many of them coming out of Arkansas, there were so many dipping out of that kettle until we have not gotten to Lasater yet, but he is on the way.

But why do they want to stop the investigation now? I think only the White House can answer the question. But I think it is a sad procedural tool to be stopping the Senate investigation at this point with the somewhat feeble excuse that it has gone on too long and it is costing too much, simply because we are rapidly getting to the heart of Whitewater. And as the Senator from Maryland just said, we are going to bring in Dan Lasater, but there have been so many we have not gotten to him yet, but he is coming.

It is our constitutional duty to conduct this oversight hearing. The savings and loan crisis cost taxpayers $150 billion. Madison, the one that served as the pool of money in Little Rock, lost $68 million and maybe more.

And 80 percent of the Arkansas State-chartered savings and loans—80 percent of them; one of the highest in the Nation—failed while Bill Clinton was Governor. This cost the American taxpayers $3 billion in failed Arkansas savings and loans while Bill Clinton was Governor.

Mr. President, I strongly urge my counterparts on the other side of the aisle to stop the filibuster of this resolution, let the truth come out. I would think it would be exactly what the President and First Lady would be recommending: Let the chips fall where they may, let us see the truth, but let the American people who suffered the loss—let the American people who suffered the loss—at least be rewarded with the truth and get on with the investigation.

Mr. President, I yield the floor to the Whitewater Chairman, Senator D'AMATO.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. I will make a very short statement.

Mr. SARBANES. Mr. President, I assume the chairman got the floor on his own right, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. SARBANES. I thank the Chair.

Mr. D'AMATO. Mr. President, I do not intend to be long, because I think there will be extended and long debate. As I said, we are not able to get a vote of the Rules Committee or get the Rules Committee to consider the resolution which would have authorized the expenditure of up to $600,000.

By the way, in order to get some kind of relevance, I think if we were to combine both committees, the prior committee that met, the Whitewater committee that met under the chairmanship of Senator RIEGLE, and this committee, that we have spent something less than $1,500,000. If we want to look at the Iran-Contra with respect to money spent, I think they spent something in the order of $3,298,000, almost $3,300,000 in 1986, 1987 dollars. That would obviously be even more today.

When we talk about $30 million, and it is convenient to mix it in and say, ''$30 million would buy a lot.'' That is the independent counsel. That special counsel that has taken $20-plus million, was appointed at the request of the President and the Attorney General. I think we ought to understand that they are different investigations, not mix the two.

When we speak to the issue of the Pillsbury report, there have been some statements made that they said we should not go on any further. Let us understand that the Pillsbury report was very limited in nature and scope. The fact of the matter is that they were operating under a time constraint. And, indeed, they have a total agreement that tolls as of March 1. They did not and still do not even in their secondary report have all the facts and information. They have to make a determination with respect to whether a suit should go forward on the basis of cost-effectiveness.

They were unable to come to a conclusion based upon all the facts. As a matter of fact, on page 164 of the report they expressly concluded, ''This conclusion does not necessarily mean that the evidence exonerates anyone.'' So let us understand that. The report was for the very limited purpose as it relates to the FDIC bringing a civil suit against Madison. And it was up against a time line. And it did not have all the facts. We have a different role, a far different role.

Now, look, I have attempted to approach this today not in terms of charging partisan politics, although it is obvious to me that there has been a conscious attempt by some to say that is the only reason this committee is asking for an extension. I think that is unfair. I think it is unfortunate. I think what does take place, whether consciously or not—and I think rather consciously—is that those who make claims are attempting to poison the well as it relates to the credibility of the committee. That is unfortunate. They are attempting to paint the committee as partisan, as political.

I say there was a great Governor in our State, Al Smith. He said, ''Let's look at the record.'' I heard lots of things, let's look at the record, the length of time the committee met, et cetera. We know the committee for months and months could not carry on its work. My colleagues know also that there have been many occasions, including the last several weeks, when we have not been able to go forward because of scheduling problems, and because we were looking toward a continuation and knew we could not finish our work, and because there are dozens of witnesses that are unavailable, and it would not be timely to call them.

There is a sequential order that we need. And these witnesses, in many cases, first need to appear so we can take depositions. In some cases, after we take depositions, we do not bring them in to testify. I think we have to look at that.

Again, I am just going to reflect on the question of hearing the facts. The former U.S. attorney—who was objected to, whose law firm participated in or did the Pillsbury, Madison, and Sutro report, did not participate in the final conclusion—did not participate in the final report, but did have a limited involvement.

Today's Washington Post says, ''The retention''—I am trying to give a balanced position on this—''The retention of the Pillsbury firm in 1994 drew sharp complaints by the White House because Republican former U.S. Attorney Jay Stephens, a critic of the Clinton administration, was a member of the Pillsbury team evaluating Madison.'' It goes on to say—I think this is most instructive and important because we can all pick out some little thing and attempt to pile on, try to make something out of it and blow it out of proportion—''His work on the matter however amounted to only about 10 hours.'' So this was not a report authored by Mr. Stephens.

Again, when we look at the report, its scope, its narrowness, it does not give license to us to say that the work of the committee is done.

Last but not least, I have to suggest to my friends and colleagues on the other side—and I am not disputing anybody's motivation; they say enough is enough, let us terminate this—if indeed we had access to all the information; if it was forthcoming; if it was not withheld, whether by, again, design or because of human error; if we were not constrained by the independent prosecutor—and, again, I, indicate it was our intent to bring various witnesses in, we would not just surrender our rights; then we may have been in a position to wind up this investigation.

The question is posed, why did not we do that? Because we ascertained from the special counsel his concerns and more importantly we ascertained the likelihood of us bringing in or attempting to bring in some of the witnesses. One in particular, Judge Hale, would have brought forth a plea or an indication that he would avail himself of his constitutional rights, and that is, to take the fifth amendment or indicate that he would take the fifth amendment. That would have cut us off and put us in a position where it would have been rather doubtful that we could get him at any time. We did not go forward. That is the reason.

Again, Al Smith said, ''Let's look at the record.'' With the exception of one situation, notwithstanding that there may not have been some bargaining with respect to the scope, I heard, ''Oh, the scope of some of the subpoenas that were requested were too broad.'' Yes, indeed, when you are looking for information there is a tendency to cover the waterfront. All of those matters were narrowed down by way of counsel, majority and minority, with the exception of one occasion, and that had to do with Bill Kennedy and the famous Kennedy notes, where we had the references to the Rose Law Firm, et cetera—and even then I do not believe that the administration should have pushed us to that.

It was not the committee's desire to ask for enforcement of the subpoena. It was only when they refused, refused to make those notes available. And by the way, why did they withhold them? There was no question they could have done it before. Only on that one occasion did it finally come down to the fact that we had to insist on enforcement. Then the notes were turned over.

So, to attempt at this date today to say at this time that the work of the committee has been and is partisan, that our request to go forward is partisan and is political in nature, is just not the case. I understand the concern to limit the time. I am not suggesting to you—that is why, by the way, as you say, Senator—in my presentation to the Rules Committee, I said that my desire was to terminate, to set that at the end of February, February 29, because we did not want to run it into a political season.

That was my desire. It is my desire today that we terminate sooner rather than later, but only after we get the facts and conclude our work. Ours is not an investigation that should be driven by time alone. I never envisioned that we would run into the problems that we did. I do not think that my colleagues did.

In good faith, there has to be some attempt to reach some comity, or are we going to just simply charge ''politics, politics'' and drag in the red herrings and talk about how many committees and the economy—sure, people are concerned about the economy and jobs. Do you want me to begin to assert what I think could or should have been

done? We should have balanced the budget. We passed a balanced budget here. It was vetoed—vetoed.

If we had a balanced budget that was passed, interest rates would be coming down and the economy would be prospering. Do you want to talk about that? That was not impugned or impinged, the fact the economy is in trouble, because of the Whitewater committee.

Do you want to talk about getting the economy going? Give the working middle class a tax cut. Come forward. If you want to drag in politics and rhetoric, we can do that.

If we want to concentrate in terms of attempting to do the work of the committee in the way that keeps politics to a minimum, this chairman is willing to attempt to work out an accommodation. But I say in all good faith, the set time line proposed, which is April 5, will not give us the opportunity to get the witnesses we need, and will bring us right back into the same situation that Senator Mitchell, former Democratic chairman, and Senator COHEN advised us against. To set up an arbitrary time line—and I am now paraphrasing them—is to bring about a stratagem of delay. I am not suggesting, as I said before, that it would be delay just by the administration or the administration alone. Defense attorneys for various witnesses who may have something to be concerned about will look at that time line. I can guarantee you this will take place and there will be delays.

All the charts in the world are not going to overcome that. All the sloganeering in the world will not overcome that. I suggest to my colleagues that we are going to have plenty of time for political charges to be made next week. Maybe this ought to be the time that we not engage in so much of that political rhetoric and begin to attempt to see in what manner we can continue the work of the committee with the best hope and opportunity to wind up sooner rather than later.

If my colleagues want to take that up, I am willing to do that. I stand ready and willing to work to accomplish our goal without, again, setting a time line which is guaranteed to bring about more delay.

Those sentiments are not original sentiments expressed by the Senator from New York; those are sentiments and concerns that have been expressed by Senator COHEN and by former Senate majority leader, Senator Mitchell. They said they should not have done it. They did. They set time lines with the best of intent.

I suggest the situation is analogous today. Theirs was an attempt not to go further into the political season, and they said they made a mistake—made a mistake.

I do not know how to work out of this dilemma. I understand the legitimate concerns of my colleagues. I really do. I say if there is a way in which we can do it, if it is an authorization, I do not know where it will take us—we can start the work as soon as the trial is completed. We can continue work. There are certain witnesses that we cannot bring in now. There is certain work we can do that we do not have to do by way of public hearings. By the way, Mr. President, let me suggest to you, simply because a committee is not holding public hearings does not mean that there has not been tens of hundreds of thousands of hours of work in terms of the examination of witnesses, in terms of sifting through evidence, in terms of various interrogatories which have been sent out and reviewed. My colleagues know that. I think it is rather disingenuous to come up and simply say, ''Well, you didn't have hearings on X, Y, Z days.'' We can get out the records and we can talk about how many attorneys asked for delays, how many people had legitimate excuses, how many people put forth that there were medical reasons they could not be here, how many could not be here on a particular day because their counsel was too busy.

We have attempted to accommodate people on both sides. The fact we may not have had a hearing on a particular day does not go to the essence of the work of the committee.

Let me say again, last, but not least, as it relates to the fact that there may or may not have been hearings held by other committees with respect to their relevant duties and obligations, whatever they may be—Medicare, Medicaid, health care—and let me take this opportunity to say that I intend to support the Kassebaum-Kennedy bill which will deal with health care which is scheduled to come to the floor. I think that is a good bill and is going to go a long way toward helping. The work of the Whitewater committee has not precluded these other committees or the Senate from undertaking its work. The fact that there may have only been 20-some-odd votes this year as compared to 90-some last year at the same time, again, is not something the Whitewater work has impeded.

These are arguments that are put forth and which are fraught with, I think, specious undertones, a kind of red herring to divert attention.

''Thirty million dollars has been spent on this matter.'' Look, we spent less than $1.5 million, and that is both committees. I do not think we have to spend $600,000. Why do we ask for it? Because, if at the end we have, let us say, 3 weeks or 4 weeks of work to do and we run out of money, we do not want to be in a situation where we have to again come back to the floor of the Senate. I think we can complete it for less, but the fact of the matter is, you learn by experience. But certainly to say that this is one of the most costly investigations, that is just not the case. As I said, the Iran-Contra ran almost $3,300,000. Their work was compressed in a shorter time. How is that? We have examined more witnesses, taken more depositions. So I think in terms of management of the taxpayers' funds, we have been frugal. I am prepared at another point to go into the kinds of things we have developed: The fact that there have been people who have pled guilty, the fact that there are indictments pending, the fact that there is substance, not just smoke, to many of the things that people are concerned about.

But, again, lest we be unfair, this chairman and this committee has an obligation to get the facts, and if those facts exonerate, clear away the webs of suspicion, why, then, that would be the pronouncement of the committee. I want the chips to fall where they may. If there are practices that should not have been undertaken but that were which may not fall into a criminal area, or if there may be matters that may be of a criminal nature, then that will be the undertaking of the special counsel to decide what, if anything, may be appropriate.

But we should not be afraid of going forward. Democracy is not always nice and tidy, and sometimes it does invite some things that are not pleasant. They are not pleasant for either side. So sometimes we have to do the business of ascertaining what are the facts. It is not all fun, but it is necessary and sometimes it is even somewhat hurtful. I think we have to attempt to not look to deliberately hurt people but to do our job to get the facts. That is what I hope we will be able to do.

Mr. President, I said I am not going to continue and go into what the committee has found and some of the open questions, because I believe that we will be here next week unless we can get a resolution of this. My colleagues on the other side have indicated that they are going to ask for extended debate, and I think there certainly should be extended debate. But debate that reaches more than just that and denies us an opportunity to vote, I think that would be unfortunate.

Again, everyone has a right to play out their role in this matter.

I yield the floor.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I want to take a few minutes to recapitulate where we are.

On May 17 of last year, the Senate adopted Senate Resolution 120 which provided for the establishment of the Special Committee to Investigate Whitewater Development Corporation and Related Matters. That resolution provided $950,000 to conduct the investigation. That funding expires on February 29, 1996, which is today. From the beginning, it was and remains my strong intention that this investigation be carried out in a fair, thorough, and impartial manner, and that it be completed before the country enters into the Presidential campaign. By authorizing funding only through February 29, 1996, Senate Resolution 120 accomplished this objective. In fact,

that resolution states that the purposes of the committee are ''to expedite the thorough conduct of this investigation, study, and hearings,'' and ''to engender a high degree of confidence on the part of the public regarding the conduct of such investigation, study, and hearings.''

Indeed, Chairman D'AMATO himself, when he went before the Rules Committee in the first part of last year in seeking funding for the investigation, stated, ''We wanted to keep it out of that political arena, and that is why we decided to come forward with a 1-year request.''

The funding deadline has now been reached. The investigation has not been completed. I will discuss, in a moment, the reasons I believe the committee failed to complete the investigation by the cutoff date. The Senate must decide now whether to continue the investigation and, if so, what additional funding and what additional time to provide.

I want this clearly understood. We passed a resolution last year by an overwhelming bipartisan vote to carry out an inquiry through February 29 of 1996. In my judgment, as I will indicate shortly, that was more than adequate to complete the inquiry. It has not been completed, and the chairman of the committee, Senator D'AMATO, is now proposing a resolution for an additional $600,000 in funding and an unlimited extension of time to continue the Senate's inquiry into the so-called Whitewater matter.

Unlike S. Res. 120, which we passed last year, this proposal now for an unlimited extension completely disregards concerns about extending the investigation deep into a Presidential election year. In my view, it seriously undermines the credibility of this investigation and creates the public perception that this investigation is being conducted for political purposes.

As my distinguished colleague from Connecticut, Senator DODD, indicated earlier, there is no precedent that I am aware of for the Senate to conduct an open-ended investigation of a sitting President during a Presidential election year. In fact, as I understand it, there is no precedent to carry on an open-ended inquiry. All of the various investigations—and, as I understand it, the Senator put a list into the RECORD—placed a defined timeframe. As I indicated earlier in my quotes, this is a matter on which Senator DOLE, now the majority leader, has spoken repeatedly in the past in very strong terms, with respect to the need to have a defined time period.

Now, this proposed additional funding for this committee, another $600,000, would bring Senate expenditures on the investigation of Whitewater to $2 million. It is $1,950,000, just under $2 million. It needs to be understood that this is not the only money that is being spent on Whitewater. There is a tendency to say we are spending this $2 million. Then you can say, what about all the other expenditures that are being made? This is not the only inquiry taking place. There is the RTC commission of Pillsbury, Madison, and Sutro, a distinguished San Francisco law firm, to carry on a civil investigation with respect to these matters involving Madison, and other related matters. They have now issued their final report, in which they find no actionable conduct. They have concluded that no legal actions should be taken.

The cost of that inquiry is just under $4 million. So we add the amounts of $2 million and $4 million on the Pillsbury Madison. The independent counsel has spent, to date, we are informed, over $25 million and is spending at the rate of a million dollars a month. Of course, regarding the House committees, we do not know what the cost of their inquiry is. So over $30 million in direct costs have been spent by the Federal Government on the Whitewater investigation, and millions more have been spent by Federal agencies assisting with or responding to these investigations.

This Whitewater committee made a very broad request to the White House for e-mails. It was so broad that it was eventually clear that this really was not workable. It was an onerous request. When it was finally narrowed down, we got a response from the White House. They have now provided 7 of the 9 weeks of e-mails, and the other 2 weeks are about to come up.

Of course, the committee keeps sending further requests. I want that understood. This is a rolling game, and further requests are made. It has cost the White House hundreds of thousands of dollars to retrieve those e-mails because the Bush administration put in a system that made it very difficult to retrieve the e-mails. The Clinton administration changed that system back. From the date when the system was changed back, they were able to give us the e-mails after that date immediately. But the previous e-mails, under the Bush system, were extraordinarily difficult to retrieve. We are now in the process of receiving those, and we hope to complete it soon. They have had to bring in a contractor from outside, lay on a lot of extra staff, and spend hundreds of thousands of dollars in order to do that.

Now, the proposal of Chairman D'AMATO was first put forward for $600,000 and an unlimited time period. In the majority report on the progress of the Whitewater investigation, which was submitted to the Senate on January 22 by the special committee, the minority argued very strongly in its report that the committee, instead of seeking an extension of time and more money, should undertake an intensified hearing schedule in the final 6 weeks to complete its investigation by the February 29 deadline. I want this very clearly understood. In mid-January, we urged an intensified hearing schedule in order to complete the responsibilities that were before us.

I want to point out that in the last 9 days remaining to this committee under S. Res. 120 to conduct hearings, only 1 day of hearings was held—in the last 9 days of that time period. In the last 9 days of the Iran-Contra committee, when it was coming up against its deadline, they held hearings on 8 of the 9 days. This committee held 1 day of hearings over the last 9 days. No hearings this week. One day of hearings last week.

On the 23d of January, Senator DASCHLE wrote to Senator DOLE, stating,

> It is well within the special committee's ability to complete its inquiry by February 29. The committee can and should adopt a hearing schedule over the next 6 weeks that will enable it to meet the Senate's designated timetable.

Senator DASCHLE was absolutely correct. Unfortunately, there was no serious effort to intensify the hearing schedule in order to meet the February 29 deadline. In fact, sadly, to the contrary. As I indicated last week, the committee held one hearing with one witness. This week, one hearing was scheduled, but it was canceled. In other weeks, 2 or 3 days of hearings were held. Never were there 4 or 5, as was done with Iran-Contra. Indeed, as this committee did itself earlier in the year—this committee itself, back in the summer, held hearings 4 and 5 days a week. We have not done that once, during 1 week, in the January to February period, even though there was no Senate business, there was no business on the floor of the Senate, and therefore we were free from those interruptions.

Some of the witnesses had nothing to add. I just want to give two examples of this, which really in some ways is distressing. Susan Strayhorn, a former secretary, came in. A hearing started at about 10:30, finished at 1:00 or 1:30, and many of the questions at the hearing were so long-winded, at one point in the hearing Mrs. Strayhorn stated, ''I am sorry, Mr. Chairman, could we have a short break? I am nodding off here.''

There are other examples I mentioned. We have taken over 200 depositions. There is no selectivity and focus on the work of this committee. We took a deposition from a Mr. Charles Scalera. This should never have happened. If the majority counsel cannot call him up and find out whether there is anything there—the deposition began. He was brought in. He had to be sworn. He had a lawyer. We had to get the reporter to record it and go through that expense. The deposition began at 2:15, finished at 2:30. Mr. President, 15 minutes, and these were the last questions in the deposition:

> Question: Do you have any other information other than what you have gleaned from newspaper and media reports that you can give to the special committee regarding Mr. Foster's death?
>
> Answer: No, none whatever.

Question: Any information other than what is reported in the media or the newspaper regarding Whitewater Development Corporation?
Answer: None whatever.
Question: Madison Guaranty Savings and Loan Association?
Answer: None whatever.
Question: Capital Management Services?
Answer: None whatever.
Question: Seth Ward?
Answer: No.
Question: David Hale?
Answer: No.

Finally, counsel says, ''Thank you very much for your time. I have nothing further.''

Mr. LEAHY. Will the Senator yield?

Mr. SARBANES. I yield to the Senator for a question. I do have a statement I want to complete.

Mr. LEAHY. Mr. President, I have listened to what has been said here. Am I correct that, in all, the Senate investigation has spent 1.3 million of tax dollars, heard from over 150 witnesses, collected more than 45,000 pages of documents, and have not proven any criminal or ethical violations by anybody in the White House?

Mr. SARBANES. That is the current state of affairs. The Senator is correct.

Mr. LEAHY. Mr. President, if I might ask a further question of my friend, he is familiar with normal court procedures. I spent years as a prosecutor. I think, from my own judgment, if any assistant prosecutor in my office had gone on an expensive witch hunt like this, and a grand jury for all this, the foreman of the grand jury would be calling me as district attorney and saying, ''Hey, you better come down and answer what in Heaven's name you are answering to for our time and money.''

Would that be the experience of my friend from Maryland? At some point, the grand jury or the judge would be saying, ''Why are you wasting our time and money?''

Mr. SARBANES. I think the public is increasingly coming to ask those questions. They are asking the question, ''Why do you now seek another $600,000, bringing the cost of this to just under $2 million, and why are you projecting it further into the President election year?''

As I indicated, I think the extending of—indefinitely—the proposal of Chairman D'AMATO and his colleagues undermines the credibility of this investigation and would obviously contribute to a growing public perception that is being conducted for political purposes.

Mr. LEAHY. If I may ask one last question of my friend from Maryland. I know he has a statement to make.

I ask if this is his experience. My experience from Vermont, a State with maybe two-thirds of the people considering themselves Republican, my experience has been in letters I receive constantly, in things that people say to me when I am home on weekends, over and over again, people of all walks of life in my State have said, ''Enough is enough. Don't you people have something important to do in Washington? Why are you spending this time and money?''

I ask my friend from Maryland if that has not been his experience in the State of Maryland?

Mr. SARBANES. Mr. President, I think it is a perfectly legitimate question for the public to be asking. I do not think there is any question about it.

First of all, it must be understood that the independent counsel's work will continue. Who knows how long that will go on. Under the charter, it is unlimited and the amount of resources is unlimited. They have already, we understand, spent $25 million, or at the rate of $1 million a month. He has broad authority. He has a professional staff of approximately 130 people, 30 attorneys, over 100 FBI and IRS agents, and the Reauthorization Act sets no limits on the duration or the cost of his investigation. So that is at work. It has been at work for a long time. It will continue to be at work.

Now, he is about to start some trials. The other side treats those trials as though they are going to be held on camera. They say, ''We need the testimony of the people at those trials.'' Those people are going to make their testimony at the trial, and it will be on the public record.

This committee has held almost 50 days of hearings. It has heard from over 120 witnesses. It has taken over 200 depositions. It has gotten tens of thousands of pages of documents from the White House and from the President and First Lady's private attorney. It has nearly 30,000 pages of deposition testimony.

Mr. FORD. Will the Senator yield? I apologize, but I think it is timely.

Mr. SARBANES. I yield to the Senator.

Mr. FORD. Mr. President, would the Senator have some idea how much legal expense by the individual witnesses—I saw a story in the paper today. We begin at $50,000 and $60,000 and $400,000, and individuals are being called before the Whitewater Committee that are absolutely scared to death, had no idea of what is going on, had nothing to do with anything. Yet, they are advised to get an attorney, and they hire an attorney, and they cannot pay their mortgage. They have to borrow money to pay their attorneys' fees.

We keep on keeping on, keeping on, and we are absolutely ruining families financially, calling all these people that have no relevance to the committee business at all. Has that ever been added up?

Mr. SARBANES. We do not have that figure. The figures we are giving are public expenditures of money to do the inquiries. The costs that are imposed on the people that come forward as witnesses we have no accounting for, although we do understand that for many of these people those costs are very substantial and they are in no position to bear the cost.

I want to distinguish between two groups of witnesses. There are some who come before the committee, and I agree completely, they ought to be there. There are questions that need to be asked if we are going to do our inquiry. One of the consequences of such inquiry is that people bear costs, and at some point I think we need to give consideration to that as a Congress. There are other people that are being called before our committee and they get there, and they essentially sit there through the hearing. They really have not much to contribute. Maybe they get asked a few questions, and then they, too, incur expense. Some of these are very young people, and others hold low-level positions—clerks, secretaries. It is very clear that this is a terrifying and traumatizing experience for them, personally traumatizing.

Mr. FORD. Mr. President, that is somewhat different from the Ethics Committee or a grand jury investigation. When staff is called to go before the committee, to have representation, the Senate pays for that. The Senate furnishes attorneys. If the Senator himself or herself is not involved, then the Senate pays for the legal counsel.

So what you have here is that in certain instances we pay—we, being the taxpayers—pay for the legal counsel. In this particular case it comes out of the individual's pocket, hundreds of thousands of dollars.

So I think that we are making a real mistake here, crushing families financially for the political whim of a few individuals.

Mr. SARBANES. I would then make this point about the situation we find ourselves in here now, because I know the matter is pending in the Rules Committee.

Mr. FORD. Mr. President, may I answer that? There was a meeting of the Rules Committee called yesterday afternoon at 3:30, and it was postponed. There has been no other meeting called of the Rules Committee.

Mr. DODD. If my colleague will yield?

Mr. FORD. I do not know that anything was before the Rules Committee yesterday.

Mr. DODD. If I may ask my colleague from Maryland to yield so I can ask a question. I sit on the Rules Committee. There was a meeting of the Rules Committee this morning, was there not?

Mr. FORD. An oversight meeting, from 9 o'clock until 1:30. Then there was another one this afternoon at 2, and it went on until about 4 o'clock.

Mr. DODD. Let me inquire. If a quorum had been produced in the Rules Committee, could not the Rules Committee then have marked up and sent out the bill that we are being asked——

Mr. FORD. Only with unanimous consent of the Senate. We were beyond—the 2 o'clock period was beyond the 2 hours. The committee hearing was only for oversight. It would have had to have been expanded this afternoon. This morning, I am not sure. I had not given it any thought.

Mr. DODD. I was referring to this morning.

Mr. FORD. I think that is correct.

Mr. DODD. Was there a quorum at any point present?

Mr. FORD. There was no quorum. There were only three Senators there this morning at any one time.

Mr. DODD. Was the majority leader of the U.S. Senate, who is a member of the Rules Committee, present?

Mr. FORD. No, sir.

Mr. DODD. I thank my colleague.

Mr. WARNER. Mr. President, yesterday, as chairman of the Rules Committee, I was informed that the Banking Committee had reported out a resolution under the procedures of the Senate. It came to the Rules Committee, whereupon I immediately contacted the distinguished ranking member, Mr. FORD, and actually went to his office where we visited for a period of some 15 to 20 minutes.

In a very forthright manner, the two of us ascertained that we could not achieve a quorum of nine members and, therefore, we could not act on the legislative matter that had been received from the Banking Committee.

Mr. FORD then counseled with the distinguished minority leader; I counseled with the distinguished acting majority leader, the Senator from Mississippi, Mr. LOTT. It was clear to me, and I was under the clear impression that it was clear to Senator FORD, that yesterday we would not endeavor in any way to bring this matter up, even for purposes of discussion, even though I had earlier intended to schedule a meeting for 3:30.

Today's agenda of the Rules Committee had been planned for some weeks. Notice was given to all members.

The agenda today was restricted to the subject of testimony from the Secretary of the Senate, the Sergeant at Arms, and the acting Architect, and other witnesses relative to their subjects. At no time did Senator FORD and I discuss today the matter of the pending issue that came from the Banking Committee.

So there was no question today of trying to raise a quorum for the purpose of considering the pending legislative matter that arrived yesterday from the Banking Committee. I regret that others somehow in the colloquy today might have raised this question. I assure the Senate that that was never on the agenda today. There was no effort to get a quorum for the purposes of consideration, and it was my clear understanding that the earliest date which the Rules Committee could address this issue would be next Tuesday.

(Mr. GREGG assumed the chair.)

Mr. SARBANES. Mr. President, some of my colleagues on the other side have been treating this matter as though the choice is between terminating the inquiry right here and now or an indefinite extension, which is what Senator D'AMATO has proposed. I want to underscore the fact that Senator DASCHLE put forward last week a proposal for providing additional time and funding to complete the work of the special committee authorized by Senate Resolution 120.

Senator DASCHLE proposed providing until April 3, an additional 5 weeks, for the Senate committee to complete its hearings schedule and until May 10, a further 6 weeks thereafter, for the committee's final report to be produced. Senator DASCHLE proposed then, in order to carry us through that period, additional funding of $185,000; not $600,000.

Let me point out, in Iran-Contra, in the 5 weeks leading up to the end of their hearings, they held 21 days of hearings. So, if this committee followed the schedule of the Iran-Contra committee in July and August of 1987, it could do 21 days of hearings within the time period provided by the proposal put forward by the majority leader. That is almost half again as many hearings as have already been conducted by this committee over this entire period.

Five weeks of additional hearings should be more than adequate to complete the so-called Arkansas phase of this investigation. In fact, that phase concerns events that occurred in Arkansas some 10 years ago, events which have been widely reported on since the 1992 Presidential campaign and about which much has already been said. Witnesses have been brought in, and they tell the same story that has been in the newspaper 3 and 4 years ago. In fact, I must tell you—I do not have it here with me, I will get it for further debate— we had one witness with whom we were going over the notes about the January 1994 period. So the next day there was a story in the press about that. We compared that story with the story that had been written in the press back at the time. The first two paragraphs of those two stories are virtually identical.

I mean, we are simply replowing old ground. I understand some people want to do that, as well as whatever new ground there may be. But to now appropriate another $600,000 in order to carry out this kind of inquiry? This investigation can be brought to a proper conclusion for far less money than the $600,000, and the remainder of those funds can be put to a far more constructive purpose. As I indicated before, the inquiry of the independent counsel will continue. He and his predecessor have already spent more than 2 years investigating Whitewater-related matters. We anticipate they will continue. So it is not as though these matters are not going to be looked into. In fact, this committee does not have the power of bringing actions. That rests with the independent counsel.

In addition, as my distinguished colleague from Connecticut, Senator DODD, pointed out, a comprehensive report by an independent law firm, Pillsbury, Madison, and Sutro, retained by the RTC, has now been made public. Its key findings are that they find no conduct on the basis of which action can be brought.

Let me now turn to two arguments that are put forward to support an open-ended extension of time, which is what the proposal is that is before us. One is that there has been delay complying with White House document requests by the White House. And regarding complying with document requests, they point to documents that are provided late. I just want to make this point. Those documents were provided. I have been in other inquiries in which documents were never provided; in fact, in which they were destroyed. What happens here is they come forward with the documents. Instead of saying, ''Good, we have the documents, we can now examine them,'' people are berated because the documents were not provided earlier. It is reasonable, with respect to each person, to ask them why were they not provided earlier. I mean Mark Gearan said that, by mistake, these documents were packed up, put in a box, and shipped over to the Peace Corps when he went there to be the Director. He did not know that had taken place. Later he found out that it had taken place, and he moved, then, to respond with the documents to the requests that had been made of him.

But it must be understood that the White House experienced difficulties in complying with document requests because some of the majority's requests were extremely broad and burdensome. For example, in early September the majority sent to the White House a request—now, listen carefully to this—calling for the production of any communications, contacts, or meetings; any communications between anyone in the White House, current staff or former staff, and anyone on a list of about 50 people, on any subject—any subject matter whatsoever—over a 18-month period.

Just think of that. Take a moment to think about that. You get a document request that says we want any communication between any present or former member of the White House staff, which is quite a large number. I do not know the exact number. But it is many, many people, and anyone on a list of more than 50. Actually that list included any employee of the RTC which literally involves thousands of people if you take it literally—any communication between those groups on any subject matter; any subject matter whatsoever over an 18-month period. Think of the enormity of that request. Obviously, such a broad and onerous request slowed down the document production effort. We engage then in an effort to narrow this request and to focus, and in effect to pinpoint it on what was really relevant, and once that was done, we were able to get a response in a reasonable period of time.

The majority request for electronic mail records encountered the difficulty that the White House did not have an

existing capability to retrieve all e-mail messages potentially encompassed by the committee's request. The White House attorneys explained that the e-mail system implemented by the Bush administration and inherited by the Clinton administration did not save e-mail records in retrievable form. Under the Bush administration's system, only weekly backup tapes for the entire computer network were maintained up until the Clinton administration put a new system in place in July 1994. The White House actually has produced responsive e-mail created after July when they put their new system into place. So there was a problem on how to proceed under the technical constraints imposed by the Bush administration.

Finally, this matter was resolved through a more specific definition by the committee of the e-mail request. In other words, we were able to identify particular weeks instead of a broad request over an extended period of time involving huge numbers of people. The White House committed a major outside computer contractual firm to assist it, and we have now been receiving those e-mail. We still have 1 or 2 weeks to go in terms of furnishing them to the committee, although additional requests have been made in recent days I understand.

In any event, it is important to recognize that these documents were produced, and, in fact, one produced contained little meaningful information.

Let me turn to the argument that is made that we need an indefinite extension in order to await the completion of the trial that is about to begin in Little Rock. When the Senate passed Resolution 120 creating the special committee and defining its powers and responsibilities, the independent counsel's investigation was already well under way. The Senate recognized that fact and provided for it in the resolution. It was not the intent of the Senate, as reflected in the resolution, that the special committee's work be delayed, or put on hold because of the activities of the independent counsel. In fact, the independent counsel has along the way raised concerns about the committee's investigation. The committee declined to suspend its work to accommodate those concerns, and on October 2 of last year Chairman D'AMATO and I wrote to independent counsel Kenneth Starr and advised him that the committee intended to proceed with its investigation contrary to wishes expressed by him in his letter of September 27. We said in that letter,

> We believe that the concerns expressed in your letter do not outweigh the Senate's strong interests in concluding its investigation and public hearings into the matters specified in Senate Resolution 120 consistent with section 9 of the resolution.

In other words, on October 2, we said to the independent counsel we are going to go ahead despite your inquiries in order to complete by the date provided in the resolution, February 29. We are not going to await the outcome of your trial. Now we are being told just the opposite. Now we are being told we must await the outcome, and therefore we must extend the inquiry beyond the completion of the pending trial.

Indeed, four witnesses have informed the committee that they will invoke their right against self-incrimination and refuse to testify. But that is no reason for the committee to extend this investigation into the political season, a result the Senate avoided when it provided the funding for the investigation only through February 29, 1996. That problem was recognized at the time. It was part of the thinking at the time. And the thinking was that we would not defer if that became the issue before us to the independent counsel.

In fact, in that letter of October 2 to independent counsel Starr, Chairman D'AMATO and I said, with respect to the position of the special committee in seeking the testimony of defendants in criminal trials initiated by the independent counsel, and I will quote:

> The special committee does not intend to seek the testimony of any defendant in a pending action brought by your office, nor will it seek to expand upon any of the grants of immunity provided to persons by your office or its predecessor.

That was the position that the committee took on October 2 as we projected forward as to what our work schedule would be.

It must be understood that delaying beyond the trial will not affect the ability of witnesses to assert their privilege against self-incrimination. In fact, I think it is fair to say that they can be expected to continue to assert their fifth amendment privileges. Even the availability of defendants, if one were to decide to seek them, would be affected by the trial's outcome. If the defendants are convicted, appeals will likely follow probably on numerous grounds and take months, years. All my colleagues know the workings of the legal system. During that time, the defendants will retain their fifth amendment privilege notwithstanding the prior trial and conviction. Even if acquitted, they retain the privilege for charges other than on those on which they were tried. So it is very unlikely you will obtain this testimony in any event.

Second, this trial is being treated as though it is going to be in camera. In other words, that this trial is going to begin and that no one is going to know what the testimony is at the trial.

Now, obviously, that is not the case. I am told, in fact, that the press and media are already moving from here in Washington to Little Rock, and so I anticipate that the trial will be well covered and well reported.

No one knows, of course, how long the trial will last. Estimates are 10, 12 weeks, maybe longer. I think this letter that we sent—and I will discuss it at greater length subsequently because I take it my colleagues wish to speak, but the October 2 letter which Chairman D'AMATO and I sent to Independent Counsel Starr is instructive in this regard because it operated on the premise that we had to complete our work, that we were not going to be placed in the posture by the independent counsel of backing up our work behind his work. I think that was a wise position then. I think it remains a wise position.

I am very frank to tell you, as I indicated at the outset, that the proposal for $600,000 funding and the unlimited extension of time is a proposal that disregards concerns expressed here a little less than a year ago, concerns that Senator DOLE has expressed on other occasions with great vigor, completely disregards concerns about extending the investigation deep into a Presidential year, and therefore I think it undermines the credibility of the investigation and creates the public perception that it is being conducted for political purposes.

I do not think there is justification for the proposal for an indefinite extension of time. I am very much opposed to it.

Senator DASCHLE has come forward with an alternative proposal that I think is reasonable. He has not said that we are going to simply stick with Senate Resolution 120. He has offered a proposition to extend the hearing schedule to the beginning of April and some additional time to do the report. I think the committee could complete its inquiry within that time period, and I think that will give some assurance to all of us here and to the American people that this investigation is being conducted in a fair, thorough and impartial manner.

Mr. President, I yield the floor.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I do wish to be heard on the issue of the Whitewater extension, but first I have a unanimous consent request.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the nomination of Gen. Barry R. McCaffrey to be Director of the Office of National Drug Control Policy, reported out of the Judiciary Committee today. I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, that any statements relating to the nomination appear at the appropriate place in the RECORD, the President be immediately notified of the Senate's action, and that the Senate then return to legislative session.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The nomination was considered and confirmed as follows:

EXECUTIVE OFFICE OF THE PRESIDENT

Barry R. McCaffrey, of Washington, to be Director of National Drug Control Policy.

Mr. SPECTER. Mr. President, I am pleased to support the nomination of Gen. Barry R. McCaffrey, USA, to be Director of the Office of National Drug Control Policy. I congratulate the President on his fine choice.

As a strong supporter of the legislation to create the Office of National Drug Control Policy as part of the Executive Office of the President, I regret that the Office has not met my expectations. Perhaps no one should be surprised that the directors have been unable to exercise full authority over the numerous Federal agencies that have jurisdiction and responsibilities over some aspect of the far-flung war on drugs. These agencies range from the military, law enforcement agencies, public health agencies, education agencies, foreign affairs agencies, and border control agencies, among others.

The Director of this Office must be skilled in the ways of the numerous bureaucracies that come within his domain. He must be able to meld these disparate agencies into a single, effective weapon reaching toward the same goal, even through widely different means. He must be able to handle competing political demands for resources and balance long-term goals with short-term needs. The most important weapon in the Director's arsenal is the President's committed support to the ending the plague of drug use in our Nation.

In 1992, our Nation had achieved a remarkable record in reducing drug use over the previous 10 years. While still confronting excessive crime rates due to illegal drugs, we had made real headway. Not surprisingly, crime rates soon followed in a downward trend. I regret that this record of success has been turned around since 1993.

While cocaine use has been relatively stable since then, the use of other drugs has increased significantly. Heroin use is up, as is the purity of that pernicious drug. Meanwhile, the price is down, demonstrating that heroin supplies have been increasing. This is not an unexpected problem. Under Senator BIDEN's leadership, the Judiciary Committee held a hearing on the subject of heroin trafficking in 1992. The problem has still not been satisfactorily addressed.

Even more troubling is the sharp increase in juvenile drug use. Recent studies show increases in the use of all sorts of drugs among students in junior high and high schools. The sharp increase in marijuana use among these children, double between 1992 and 1994, is most troubling because of marijuana's frequent use as an entry-level drug. Students who use marijuana are 85 times more likely to use more serious drugs than those who do not. LSD, methamphetamine, and inhalant use among students is also increasing.

I believe leadership from the top has been lacking for the past few years. I hope that the nomination of General McCaffrey signals a renewed commitment to fighting the war on drugs.

Wars must be fought on many fronts. Even armies with overwhelming strength and superiority can lose a war to a foe that can take advantage of strategic weaknesses. While the United States has been waging its war on drugs, we have not been doing it intelligently. Too many resources have been wasted on international eradication and interdiction efforts. Not enough resources have been dedicated to the real, long-term answers to the drug problem: education, prevention, and rehabilitation.

While I was a little concerned with General McCaffrey when he was nominated, because of his background in interdiction, those concerns were put to rest by the commitment he expressed both at his confirmation hearing and in his responses to questions submitted for the record to prevention and treatment programs as the key to solving America's drug problem. General McCaffrey is right. America cannot win the drug war by focusing on law enforcement. Prevention, education, rehabilitation are the real keys to winning this war. With General McCaffrey leading our efforts, I am convinced that we will do better and once again begin to make strides in our collective effort to reduce the drug problem.

I also want to note my appreciation to General McCaffrey for his willingness to come to Philadelphia to view first-hand the scope of the drug problem in an American city and some of the innovative steps taken to combat that problem. I look forward to his visit soon.

Mr. HATCH. Mr. President, today the U.S. Senate considers the nomination of Gen. Barry R. McCaffrey, President Clinton's nominee to be Director of the Office of National Drug Control Policy—the so-called drug czar. I strongly support General McCaffrey's nomination and applaud President Clinton's choice of this decorated hero of the Vietnam and Desert Storm conflicts.

General McCaffrey currently runs the United States military's joint command in Latin American—Southern Command, also know as SOUTHCOM. SOUTHCOM is responsible for overseeing the military's Latin American interdiction efforts.

I have been a vocal critic of President Clinton's drug policy, or should I say, lack of drug policy. While President Clinton has abdicated his responsibility to combat the plague of illegal narcotics to fight the war on drugs by refusing to use the bully pulpit of the Presidency to speak out against drugs, I believe that he should be commended for the nomination of General McCaffrey to join forces with others such as Judge Freeh [FBI], Tom Constantine [DEA] and Attorney General Janet Reno who have been instrumental in fighting the drug war. General McCaffrey has the opportunity to use his position to condemn drug use and take active steps in formulating a policy that will help this Nation triumph over drug abuse.

A question I have is whether the selection of General McCaffrey signals a new-found commitment by the President to lead in the drug war, or whether it is, more simply, an election year make over. But I am willing to give the President the benefit of the doubt. I am willing to see if he will provide General McCaffrey with the support necessary to reverse the disturbing trends we have seen the past 2 years, trends that suggest substantial increases in youthful drug use.

In order to be successful, General McCaffrey will need to engage the full support and involvement of the President. The general promised me that he enjoys the President's full support. I want General McCaffrey to know that he will have strong allies in Congress for a serious effort against drugs.

Senator BIDEN and I, for example, have made a major commitment of time and energy to the drug issue, including shoring up the drug czar even after President Clinton slashed it substantially in his first year in office. While the President cut the Office of National Drug Control staff from 147 to 25, I am pleased that General McCaffrey said he plans on increasing staff to its original level of 150.

Last summer Senator BIDEN and I saved the office from elimination. As late as last week we interceded to lift an earmark against ONDCP's operating budget. These recent efforts to eliminate or cut back the drug czar's office reflect congressional frustration with the Clinton administration's abdication of responsibility. I hope we will see the President take a more active role in supporting General McCaffrey and in condemning illegal drug use.

General McCaffrey has raised three children free from the scourge of illegal drugs. I hope he will now view all this Nation's children as his own, and take their futures to heart as he devises and implements a drug strategy. I hope the Senate will commit to assisting him any reasonable way that it can.

Mr. WARNER. Mr. President, it is a distinct pleasure for me to speak briefly on the confirmation of Gen. Barry R. McCaffrey as the Director of the Office of National Drug Control Policy today. It comes as no surprise that a man of General McCaffrey's stature and accomplishments has been confirmed so swiftly by the Judiciary Committee and the full Senate. As Senator HATCH mentioned in his remarks at the Judiciary hearing yesterday, President Clinton has made a bold and enlightened choice to be our next drug czar and I know he will bring fresh energy,

ideas, and experience to this difficult challenge.

I cannot let this occasion go by without briefly mentioning some of the many awards and accomplishments that General McCaffrey has received during his illustrious military career: two awards of the Distinguished Service Cross, two awards of the Silver Star, three awards of the Purple Heart for wounds suffered in Vietnam, leader of the 24th Mechanized Infantry Division whose left hook attack against the Iraqi army was the decisive ground battle in our gulf war efforts. In order to accept the President's call to duty in the drug war, General McCaffrey will retire form the Army: there is no greater indication of his love of country than this sacrifice to take on a new challenge.

The extent of the drug war is well known and seems to have worsened during the last few years, especially among our young people. General McCaffrey's recent responsibilities as commander of the Southern Command has plunged him into the counternarcotics battle, experience which will serve him well in his new post. Along with his unquestioned moral authority and leadership skills, this experience makes Gen. Barry McCaffrey uniquely qualified for this position.

I urge the Congress to assist our new drug czar in this fight in policy determination, financial commitment, and moral leadership. Only by enlisting all of us as soldiers in this war will the generals in the fight, such as General McCaffrey, be able to win the war on drugs. I wish my friend the best in his new position and it has been a singular honor for me to participate with my friend, Senator NUNN, in introducing General McCaffrey to the Judiciary Committee.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, in anticipation of the visit by a foreign dignitary, so that we can bring him to the floor, I now observe the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, we will be a few minutes yet before the foreign dignitary will be able to visit with us in the Chamber, so I thought we would go ahead and proceed with the debate. So, I seek recognition to speak on the Whitewater committee extension.

WHITEWATER

Mr. LOTT. First, Mr. President, I want to make note of what is being done here. The distinguished chairman of the Banking Committee has asked for a very fair unanimous consent that the Senate bring up the resolution extending the Special Committee To Investigate Whitewater Development Corp., and that it would be presented in a most fair manner, 2 hours of debate, equally divided, with an amendment in order by the distinguished Democratic leader, Senator DASCHLE, or his designee, and an hour of debate on that, and we would then proceed to vote.

That unanimous-consent request has been objected to. It seemed like a fair way to proceed to me. It is normal business. You bring up a resolution, you have a very fair procedure where the other side can offer an alternative and we can have a vote on that and then proceed to vote on the resolution as it is presented. That has been objected to now about four times. We are just trying to find a way to move this to a conclusion.

This Whitewater committee has a job to do. The American people understand that. They want the job to be done. But that job is not complete. It would have been nice if it could have been wrapped up a month ago, or today. But the work is not completed. It is not completed partially because there has been this slow process. They talk about a perception of politics; how about a perception of coverup?

I can understand how there are documents can be misplaced at one time and then turn up, like the billing records did in the private residence at the White House. That is one example. And then there are these documents that Mr. Gearan found. Then there are the documents which Mr. Ickes found. I think that came out just in the last week or so.

Every time it looks like all the documents that can be found have been found—and I am not on the committee; I am just observing it as a normal Member of the Senate would—and when the Senate seems like it is getting to the point where we could begin to move to some conclusions, another raft of papers just appears out of thin air.

I want to commend the chairman of the Banking Committee. He has been diligent. He has been very calm in the way he has handled this committee. He has been very fair. Yet he is, on the one hand, criticized because they have not had hearings every day and on the other criticized because of all that has been done and all the documentation that has been accumulated. I just think he is entitled to some credit for the very calm and methodical job that has been done.

Those who want to say, well, it is politics, those who are opposed to extending this hearing in the way that it should be extended, certainly you would think that they would have had the Washington Post or New York Times and other media in their corner. But that is not so.

The New York Times, in fact, on the 28th of February, said that Senator D'AMATO has in a non-partisan way made a very strong point about the need to continue the Whitewater committee. I want to read an excerpt from the New York Times. The editorial supports an indefinite extension of the committee and the duty of the Senate to pursue this matter in a fair way.

The New York Times editorial reads thusly:

> The Senate's duty cannot be canceled or truncated because of the campaign calendar. Any certain date for terminating the hearings would encourage even more delay in producing subpoenaed documents than the committee has endured since it started last July. The committee has been forced to await such events as the criminal trial next week of James McDougal, a Clinton business partner in the failed Whitewater land venture.
>
> No arguments about politics on either side can outweigh the fact that the White House has yet to reveal the full facts about the land venture, the Clintons' relationship to Mr. McDougal's banking activities, Hillary Rodham Clinton's work as a lawyer on Whitewater matters and the mysterious movements of documents between the Rose Law Firm, various basements and closets and the Executive Mansion. The committee, politics notwithstanding, has earned an indefinite extension. A Democratic filibuster against it would be silly stonewalling.

The New York Times is not exactly a Republican National Committee publication. The New York Times is not the only newspaper which has expressed similar views. There have been similar articles in the Washington Post.

So, I am a little surprised at what I have heard here today: that we're dragging the investigation out; that Whitewater is only about empty allegations and politics. There are also these complaints that there is nothing really to Whitewater. There is no ''there, there,'' so to speak.

I do not know all the details. But I do know this, that in connection with this matter, there have been numerous guilty pleas and indictments. David Hale pleaded guilty on March 22 to two felony violations. Charles Matthews pleaded guilty on June 23, 1994, to two misdemeanor violations. Eugene Fitzhugh pleaded guilty on June 24, 1994. Robert Palmer pleaded guilty on December 5, 1994. Webster Hubbell pleaded guilty on December 6, 1994. Christopher Wade pleaded guilty on March 21, 1995. Neal Ainley pleaded guilty on May 2. Stephen SMITH pleaded guilty on June 8. Larry Kuca pleaded guilty on July 13, 1995.

We have indictments on numerous felony counts of Mr. McDougal. Eleven felony indictments were handed down against Governor Tucker. You know, I do not think we can lightly dismiss all of these things.

I acknowledge that these are separate proceedings that are being carried forth by the independent counsel's office. But as a matter of fact, the Senate has an even higher responsibility.

We are not just looking at legal matters; we are looking at broader questions of misconduct, how Federal agencies or departments may have been used, how certain Federal funds may or may not have wound up in campaigns.

So even aside from all this, if you can just dismiss all this, you have to ask yourself, should not the committee be looking at that and a lot of other matters that are surrounding this Whitewater affair? So, clearly, the committee should have an extension of its time well beyond February 29.

Mr. SARBANES. Would the Senator yield?

Mr. LOTT. I will yield, but I want to take note that I listened a long time to the Senator's statements without any interruption. If the Senator would like to ask a question or make a point.

Mr. SARBANES. If the Senator would prefer that I wait, I will be happy to.

Mr. LOTT. Beg pardon?

Mr. SARBANES. If the Senator would prefer that I wait, I will be happy to do that.

Mr. LOTT. Would the Senator? Then I would be glad to respond to questions. And I would like to address some to the distinguished chairman of the committee because most Senators do not know the answers to some of these questions that are being asked out here today. I would like to ask those of you who have been involved to respond to those.

Certainly, the Whitewater committee should be extended beyond February 29. Even my colleagues on the other side of the aisle acknowledge this. But you want to put this arbitrary cutoff on it. Regardless of what happens in the trial that is beginning next week, you want to say by a date certain we are going to stop it no matter what happens in that trial.

I know some of the defendants maybe will be found innocent, or maybe they will be found guilty. Maybe there will be appeals. But we will find out. There are witnesses, I presume, associated with that trial that this committee has not been able to have testify.

How can we say to the committee, ''Complete your work,'' when they may not have questioned some of the most critical witnesses? Again, I do not know what the end result will be. I do not know how long it will take. But I am uncomfortable, in view of the dribbling out of information, with saying you have to just stop it at some date certain, like May 3. The minute you say this is the cutoff date, the way things have transpired, what your guarantee is that there will be more withholding of information until that date arrives.

I have some sympathy for the White House, in a way, because I am amazed at how they handled this thing. They certainly have not helped this committee finish its work, even though the Whitewater affair is a blight on the administration. Surely, it would be better if we could get it all out in the open and reach a conclusion. I am sure that the administration, in many respects, is horrified at how some of this is being handled.

Let me say this, too. I served in the House for 16 years. I have been in the Senate 7 years. I was on the Judiciary Committee during the Watergate hearings. Oh, yes, is it not amazing how the worm sort of turns over the years, depending on which side of the aisle you are on. I remember Watergate, and I watched the Iran-Contra hearings. I watched the October surprise. I never figured out what the surprise was. I got the answer. There was not any. And now some of those who were saying we must get to the bottom of this, that we cannot have a coverup, that we have to go forward with this no matter what the cost, now they are saying, ''Geez, we need to cut this thing off; it costs too much, it looks political because of an election year.'' If we had gotten all the evidence, if the special independent counsel had completed its work, maybe we could have completed it.

I want to talk about the dollars, too. Not only has the chairman done a very calm, reasonable, fair job, he has also been frugal. This committee has only spent $950,000 in the 104th Congress, as I understand it, through February 29. I understand there might have been an amount that was actually done in the previous Congress, bringing the total to like $1.3 million, I believe, and that is what the Democratic leader had said earlier.

Mr. SARBANES. If the Senator will yield?

Mr. LOTT. I will yield on that point.

Mr. SARBANES. This committee spent what was available to them. That was the $950,000.

Mr. LOTT. That is going to relate to what I am fixing to say. You talk about the cost. That is a very small amount of money in doing its job, especially when you compare it to what these other committees spent. For instance, the select committees on Iran-Contra spent well over $3 million, and in 1996 dollars, it would probably be $4.5 million on that investigation, according to the Congressional Research Service.

The October surprise investigation cost up to $2.5 million, according to the Congressional Budget Office. Chairman HYDE in the House, who served on the investigating committee, said the total cost, including salaries and expenses, amounted to probably as much as $4.56 million. It may have been for a shorter period of time, but the actual costs were greater.

According to the Congressional Research Service, the total cost of Whitewater, including the independent counsel, at this point has been $12,525,000.

Compare this $12.5 million to the $40 million in direct costs spent on Iran-Contra. Some estimates place the total cost of Iran-Contra as high as $100 million. Even the Watergate investigation, in which I participated, is estimated to have cost $26 million.

I understand you have the cost of the independent counsels and the entire cost of some of these other investigations, and in this case you have the independent counsel going forward, but the committee itself has been very reasonable in what it has spent.

What they have asked in additional funds is only $600,000. You are talking about, based on that money, 3 months, 4 months maybe, and if the work is completed before then, it certainly would have to be completed within 4 months, but it could be done before then.

I want to know, when did this committee establish 96 to 3, by a vote of the Senate last year, to become a political circus? What we are trying to do here is find out the facts, not facts as determined by Republicans or Democrats, but what happened in this matter. There are a lot of questions that remain unanswered, as far as I can see.

More and more this Whitewater affair looks to me like a scheme to fund dubious ventures illegally, perhaps with some of the tab ultimately being picked up by the taxpayer. These are important issues, not flights of fancy. To treat this investigation as anything less, as partisanship or vindictiveness, is wrong.

So, Mr. President, let me just say the Whitewater investigation is not and should not be about politics. The committee has found a tremendous amount of information and facts that raise a lot of questions. Some of those questions have not been answered yet, and the committee has done its job inexpensively and prudently. The truth needs to get out. The Congress has a job to do, no matter what happens with the independent counsel. We need to get through the public hearings.

If there is wrongdoing, then the judiciary will get involved. The Senate's role is limited. The job of Congress constitutionally is not to prosecute but to reveal. It is a place not only where the people rule, but where the people hear. Through hearings and other means, the Senate has and can continue to reveal what really happened in Whitewater. For the good of the Presidency and for the good of the country, we must find out.

Surely we can find a way to come to an agreement on the necessary funds to get this hearing done and completed in a reasonable way, but without artificial cutoffs. We will regret that if we do it.

Mr. President, I would like to address a couple of questions to the distinguished chairman of the committee to clear up some of these things that some of the Members are wondering about and that I wonder about.

Obviously, documents have been coming in fits and stops and not all the documents that the committee subpoenaed, but I just wonder and ask the chairman of the committee, what kind of cooperation have you received from the White House? The White House keeps talking about the number of

pages of documents. The Senator from Maryland talked about this tremendous, voluminous amount of material that has been furnished to the committee, but have we received full cooperation from the White House? Have you received everything you have asked for?

I yield to the Senator.

Mr. D'AMATO. The Senator raised a very good point, because we have heard ''50,000 pages of documents being produced in response to requests,'' but the fact of the matter is, as Senator MACK pointed out yesterday that it is not the sheer quantity of documents that matter, it is the quality and relevance; for example, documents that were under the jurisdiction of key people with the so-called Whitewater defense team, the group that was attempting to deal with press inquiries and other inquiries, headed by Mr. Ickes. We just received about 200 pages, literally, last week. Incredible.

Now, we have requested that—

Mr. LOTT. You received 200 pages just last week?

Mr. D'AMATO. That is right.

Mr. LOTT. Where did those documents come from?

Mr. D'AMATO. It was indicated they were in a box, a file. He thought he maybe turned them over to his lawyer.

Mr. LOTT. Who is he?

Mr. D'AMATO. He is Mr. Ickes, deputy chief at the White House, and in charge of this task force dealing with this Whitewater and Whitewater-related matters.

Let me say that the production of those documents alone have raised very interesting questions, and I have to think that there are many more documents—because the produced records contain information relating to Mr. Ickes tasking assignments out to different people. You know something, we have not gotten any of those documents or any of the task reports from the other members of that so-called White House defense team. But that is only one individual.

With Mark Gearan several weeks ago, former White House communications director, the same kind of event. He claims that the documents were not found because he put them in a box while he was packing. He was going to head the Peace Corps, and he thought mistakenly that they had been turned over. An inadvertence. Interesting. Because he is another member of the defense team.

Guess what? Again, just several weeks ago, the same thing. This time Mr. Waldman, another member of the defense team, finds documents. Again, it relates to specifically Whitewater-related matters. No question. I have to tell you, it does lead one to believe—even if one were to accept that these were just accidental—these are delays that are no fault of the committee.

What about the manner in which the White House conducted an investigation to get the documents? Let me give you an example of what the Treasury Department did. They sent a team of IRS agents in to comb the files for relevant material. It is not what the White House did. They had a haphazard handling of this, almost with the back-of-the-hand attitude, designed—or certainly if not designed, they should have recognized that it certainly did not comply with the spirit and intent of what the President meant by promising full cooperation.

Last but not least is the miraculous production of the billing records—billing records that are very essential to analyze what Mrs. Clinton did or did not do for Madison. Where are they found? In the personal residence of the White House. I do not know how it got there. But I have to tell you, as our friend from North Carolina, Senator LAUCH FAIRCLOTH, points out, that is one of the most secure places in the world. He asked, tongue in cheek, ''Did the butler bring it there?'' Who do you think had control of the billing records of the Rose Law Firm? Who? It was not this Senator. I do not know. Where do you think they found them? They were found in the personal library of the First Family. Who brought them there? How did they get there?

Our colleagues complain that we are bringing in witnesses unnecessarily. An attorney, Austin Jennings, was brought in. Let me tell you why we asked for that poor attorney to come in. It was because he came up to Washington to meet with the Clintons' personal defense lawyer. Are we supposed to talk to him by telephone? Why did the Clinton's attorney not do that? He was writing a book—this is a great story—and he wanted to ascertain, was Mrs. Clinton a competent lawyer.

Could you believe he flew from Little Rock up here to the White House itself to meet with the Clintons' personal lawyer and Mrs. Clinton to spend 20 minutes simply to say that, yes, if asked any questions, he would say she was a competent lawyer? He did not even know who paid for his trip. You want to talk about disingenuous. I think it is disingenuous to ask why we asked this poor gentlemen to come here. Incredible. Sympathy and sop? Come on. Let us level somewhat.

I have to tell you something. The fact of the matter is that Mr. Jennings was Seth Ward's attorney. Who is Seth Ward? If my friends want to debate this, we will bring out what the committee has been doing on this floor. If you want to do it for 10 hours, we will do it for 10 hours. If you want to do it for 20 hours, we will do it for 20 hours, and we will spell it out.

Seth Ward is Webb Hubbell's father-in-law, and he participated in Castle Grande, the biggest of Madison Guaranty's sham deals—a $3.8 million loss. By the way, Mrs. Clinton, when asked by various investigative agencies of the Government, gave indications that she did not know about Castle Grande. She heard it referred to by a different name. She had 15 conversations with Seth Ward. Jennings was Seth Ward's attorney. That is why we brought him in. When an attorney says tongue in cheek, like Mr. Jennings did—a smart fellow—says, ''I do not know what I am doing here,'' come on, it is disingenuous to come to the American people and to the Senate and to say some witnesses did not even know why. Here is a smart lawyer, and he does not even know who paid for him to come up here. I have to tell you, it raises many more questions than it answers.

It is this kind of delay and holding back that puts us here in this position. You can pull out the letter and all of the conversations you want. I thought we would have this matter finished by February 29. If we had the cooperation of witnesses, the White House, and others, we could have wound this up. But we did not have the kind of cooperation that the American people are entitled to.

VISIT TO THE SENATE BY HIS HIGHNESS SHEIKH JABER AL-AHMAD AL-JABER AL-SABAH, AMIR OF THE STATE OF KUWAIT, AND MEMBERS OF THE OFFICIAL KUWAITI DELEGATION

RECESS

Mr. LOTT. Mr. President, I ask now that the Senate recess for 2 minutes to receive His Highness Sheikh Jaber Al-Ahmad Al-Jaber Al-Sabah, Amir of the State of Kuwait.

There being no objection, the Senate, at 4:44 p.m. recessed until 4:46 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. GREGG).

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

WHITEWATER

Mr. LOTT. Mr. President, I know others wish to speak and ask questions. I will ask one more question at this time. I think it is really the key question that we had asked in answer to the objections we are hearing from the other side of the aisle.

There have been complaints that the chairman's request does not set up an end date for the investigation. I assume he has some very good reasons for that. Why can we not say that the investigation will end on such and such a date? Why is May 3 or May 31 not an acceptable date?

Mr. D'AMATO. That is a very valid point and question. Also, again, when one looks at the contention that we have looked for an indefinite, ad infinitum extension, that fails to take into account that we have asked for a finite amount of money, up to $600,000. But if we get into the situation where we cannot get certain witnesses, because their lawyers seek—as has been spelled out in a book called ''Men of Zeal,'' where they talk about what happens if you fix a date for the end of an investigation or the work of the committee. Exactly what we are confronting today is what

our colleague, Senator Mitchell, the former Democratic leader, and Senator COHEN warned us about: there will be lawyers who use the deadline as a target time, and delay their clients from coming forward; and there will be bureaucratic stalling. It is stated quite explicitly in here. This is the result of hard deadlines.

He says: ''The committee's deadline provided a convenient stratagem for those who were determined not to cooperate. Bureaucrats in some agencies appeared to be attempting to thwart the investigative process by delivering documents at an extraordinarily slow pace.''

My gosh, if that is not exactly what is taking place. We have experienced that. If we want to guarantee that stratagem will continue, just put on a date certain and we will see that take place.

Last, it says, ''perhaps more important, the deadline provided critical leverage for attorneys of witnesses in dealing with the committee on whether their clients would appear without immunity and when in the process they might be called.''

We have key witnesses that we want to appear. And I joined with Senator SARBANES in trying to bring a key witness, Judge David Hale, before the committee. Indeed, the Senator quotes a letter of October 2—but he does not read all of it—in which we said to the special prosecutor, who objected to us calling Mr. Hale in, ''having determined that the Senate must now move forward the special committee,'' we were going to bring various witnesses in. ''We will, of course, continue to make every effort to coordinate where practicable activities with those of your investigation.'' We say ''we stand ready to take into account consistent with the objectives set forth your views with regard to the timing of such private depositions and public testimony of particular witnesses.''

You have to read the whole letter to understand it and you have to understand that there were briefings subsequent to this letter in which counsel for the minority and the majority were advised as to the problems related to bringing Mr. Hale in. If somebody wants to impugn the motives of the committee for not bringing him in, I say why would I not want to? I did not want, first, to have a situation where we jeopardized the trial that would be taking place, which is starting this coming week; and second, to have lost the opportunity, probably for all times, to get the cooperation of Mr. Hale. I know that there are some in this body who may not really want Mr. Hale to come in and testify, because, indeed, if he testifies, as there have been indications, that he was asked—or even more, told—to make a $300,000 loan to Susan McDougal by the then Governor, it would seem to me that there are some who would not be very anxious for that to be uttered publicly, in view of the American people.

I suggest that if that is anything, it is an indication of the Senator's good will in not attempting—and lack of political motivation—in not attempting to pull them in here and say the devil may care, we do not care about that trial, I want somebody to come in here and make accusations against the President and the First Lady. I did not go in that direction. I think I chose to act in a responsible manner in accordance with the request of the special counsel. Yes, I wanted Mr. Hale to come in, but indeed the special counsel was able to make a convincing argument, and I think we did the right thing.

What would they have said, what would this body have said if I asked to immunize David Hale? They would have risen up, by the Democratic leadership, calling me and accusing me of all kinds of things, and would have said, ''What are you doing? You want to immunize a crook and a thief to have him make accusations?'' Think about it. Come on. Let me ask the question. What are you hiding? What are you afraid of? Why do you not want the facts to come out?

The New York Times says that, and this is what most responsible newspaper editorials are saying. When you suggest that we are asking for an unlimited period of time, that is not what we say. We couch it in terms of no more than or up to $600,000. But if we spell out, I say to my friend, a specific time certain, by gosh, everything that has taken place in terms of the procrastination, in terms of the documents that find their way—oh, I just found it in this book. Can you imagine, trained lawyers who are in charge of defending the White House giving us this drivel—drivel—that they were not aware that the documents were not turned over, documents setting out, tasking other members of the White House at the highest levels, what to do as it related to Whitewater.

This was the very man charged with the responsibility of mastering and bringing the very forces together—Mr. Ickes, Deputy Chief of Staff of the White House. I could just imagine if my friends and colleagues were in the majority and that was the Bush administration, and that was the manner in which their Chief of Staff was responding—Deputy Chief of Staff—on a particular matter. We are not talking about one instance or two instances. This is repeat; a pattern.

Want to talk about delay? We, unfortunately, were delayed for weeks and weeks because we had to battle over documents being produced and we had to vote subpoenas and come to the floor of the Senate. Who occasioned that political debacle? Who is it that created that political firestorm? We are always tested. Weeks and weeks and months and months of negotiations behind the scene. My friend brings out and says these subpoenas are so far reaching. He knows that those were, indeed, the preliminary negotiations as it related to scope and breadth. In only one case did we not agree upon the breadth and scope of the subpoenas. We agreed on every other one of them.

It is disingenuous to come out and say officially they requested a far-reaching subpoena. That happens and is part of the process in negotiating. We did negotiate. The one exception was the case where we had to come to this body and vote the enforcement of a subpoena and then, miraculously, we get the documents on a Friday afternoon. It's always on a Friday, by the way, most of these documents appear Friday afternoons; they get the least press.

Want to talk about politics? Talk about politics in the White House answers. When we ask for documents, let me tell you what the White House, Mr. Fabiani of the White House says, ''Tell Senator D'AMATO and one of his fat cats to pay for the production of them.'' Is that the kind of response that the Senate and the committee is entitled to when we ask for electronic e-mail? ''Tell the Senator and his fat cats to pay for it.''

Want to talk about crude political assassination? How about the team that they had over there, Mr. Waldman, who was assigned a task to get information, to get dirt, on Senator D'AMATO, on White House time, and then send it over to the Democratic Committee. Is that what we are involved in? Want to talk about a low down kind of thing—that is fact. That is fact.

Now, look, I never intended nor did I wish for this hearing, these investigations, to go into the political season. Had we had cooperation and had we been able to get some of the witnesses in, we would not have to be asking for that. Had we not been precluded from some of the witnesses we could have even made our request such that we will examine only these witnesses that we have not had access to. I did not delay the production of these documents. The committee was not responsible for the miraculous production of the billing records that showed up in the White House.

The fact of the matter is that we have encountered a far different situation than has been promised to us. The President promises cooperation. Those who carry out the President's wishes have stalled, have delayed, have been engaged in dilatory tactics. I will at a certain point in time elucidate on those and touch on those with definiteness. If, indeed, they think that by the political attacks upon the committee or upon the chairman that they are going to dissuade us from doing our job, and that is to get the facts, they are wrong.

I suggest that we call a truce, call a truce to the politicization of this, and say we will agree to get the facts and work together. We have demonstrated we can do that. I have no doubt that some of my colleagues are placed in a

very awkward position. I do not think they like what they are doing and saying—some of the things that they say. I think they are almost forced to do it. I think they are compelled to do it by an administration that seems to be totally bent on keeping the facts from coming to the people, an administration that says, ''We don't care.'' Why do you not care what the public thinks? Why are they not entitled to the truth? What is it that lurks behind that stone wall that has been constructed? We have not had cooperation.

Mr. LOTT. Mr. President, I ask, then, that we go ahead and vote to pass this resolution, stop the filibuster, find a way to get an agreement to go forward with these hearings, find the information that we need to draw the conclusion to the hearings. I think that can be done. I hope we will seek to find that process. I yield the floor.

Mr. SARBANES. Will the Senator yield for some questions?

Mr. LOTT. Mr. President, I apologize to the Senator from New Mexico but I indicated earlier I would be glad to yield for some questions, so I would like to be able to do that.

Mr. DOMENICI. Absolutely.

Mr. LOTT. I yield to the Senator from Maryland for a question.

Mr. SARBANES. First, the Senator indicated, as I understood it, the costs of the independent counsel were $12 million, is that correct?

Mr. LOTT. According to the information I have from the Congressional Research Service, the total cost of Whitewater to that point is $12,525,582. That is the congressional investigation plus the investigation of Robert Fiske and Kenneth Starr to this point. I have heard various estimates from several sources, all the way up to $25 or $30 million, but that is the information I got from the Congressional Research Service. If it is more than that, I would be glad to get that information, but that is not what I have.

Mr. SARBANES. I just want to put on the record, because I think it is important to keep it accurate if we can, that the GAO did a financial audit. It does periodic financial audit reports. The audit report for the period January 1994, which is when Fiske began, to March 1995, by the GAO, was $14,600,000.

In addition, an estimate has been made from the period subsequent to March 1995. In other words, April 1995 to January 1996. Based on the level that they were following at the end of the previous period—and, of course, the independent counsel has, in fact, intensified his efforts, but that is not taken into account—that figure would be $11 million, which would give you a total of $25,600,000.

Mr. LOTT. I believe, to respond to that, we could probably argue back and forth about what the accurate number is. The source that I have here, Congressional Research Service, versus GAO. But I still say that is probably just barely more than half what was spent on Iran-Contra. And that is still less than what I understand was spent on Watergate. So what is your point?

Mr. SARBANES. Of course Iran-Contra involved sending investigators overseas, if you recall, both to the Middle East and to South America.

Mr. LOTT. It might have been easier to get what you are looking for than what we experienced in the Whitewater. I do not know.

Mr. SARBANES. That is the next point I want to address. The fact of the matter is the committee has now received from the White House virtually everything that has been requested. There are a couple of weeks——

Mr. LOTT. Voila. Maybe that is true. I do not know. I do not know if the committee even knows that. All I do know is there has continued to be this drizzle of information. The Senator surely feels discomforted by the way documents have appeared in various places, at the White House, in boxes at the Peace Corps, and Vice Chief of Staff.

Mr. SARBANES. Let me give one example. Gearan came before us and he said this is how this happened. I thought it was a plausible statement, frankly. I mean, Gearan said when he packed up to go over to the Peace Corps his file was put in that box unbeknown to him and he did not find it over there. When he found it he tried to get it back into the loop. I think that is a plausible statement.

You have to judge it on your own. But the fact is, the documents have been provided in the end. The fact that there was a deadline——

Mr. LOTT. Do we know that is all of them? There was another group of papers that came to the committee just last week, 200 pages, not from Gearan but from Ickes. If it were one example, or maybe two—but three? I am not on the committee. The committee tells us, tells the Senators. Is this all the documentation or not? I do not know. I am under the impression there is reason to believe maybe there is more information that we should try to obtain. Maybe there is information, even from the independent counsel, that that might be available at some point. But we are not even going to be able to look at any of that?

Mr. SARBANES. No; the independent counsel is not able to make his information available to us, under grand jury requirements. Certainly the Senator——

Mr. LOTT. That is the point. I assume at some point——

Mr. SARBANES. Are you suggesting we should transgress those?

Mr. LOTT. I am suggesting at some point his work will be completed and some of what he has may, in fact, be available to the committee. I do not know to what extent. But I am just expressing a concern about how we just go ahead and wrap it up in 30 days and say we are done with it when there appears to be—in fact, when I look at this, from what I am hearing and what I have heard, it looks to me like the committee really is just getting started with this work. You have not started finding out some of the answers that are still pending out there.

I do not want to ask a whole series of questions. Maybe some more will be asked by the Senator from New Mexico. But there are other questions pending. You have not started to write the report. We do not know what is going to be the result of this trial down there.

Mr. SARBANES. We got the Gearan notes. We held a day of hearings with Gearan. We had nothing substantially new and the same thing happened with Ickes. We got the notes. We held the hearing on both of them. In both instances we received the notes and the hearings have been held.

Mr. LOTT. Is that a question or a statement?

Mr. SARBANES. No; it is a response to the point you just made.

Mr. LOTT. Mr. President, I think the Senator from New Mexico would like to get into this with some questions and a statement. I yield the floor at this time.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from New Mexico.

Mr. DOMENICI. I wonder, Senator D'AMATO, would you answer the last question? I am asking it of you now.

Mr. D'AMATO. Yes, the Gearan notes indicate quite a few things that we did not know. They indicated——

Mr. SARBANES. Could I ask the Senator a question?

Mr. D'AMATO. They indicated an attitude of the Deputy Chief of Staff and others, but certainly the Deputy Chief of Staff, that they were concerned, very concerned. And they characterized in very descriptive language what professionals, civil servants at the Justice Department, were doing. And they did not like it. They did not say they are doing a professional job. They said, in essence, they are working us over. He is a bad guy. That is what we find in the Gearan notes.

We find a whole series of meetings that we were not aware of. No one came in and told us that we met on this day and the next day and we met in the morning and we met in the afternoon. Oh, no. We learned thereafter that various tasks are given out. And I have reason to believe, as it relates to the question that was asked, I say to the Senator, by the distinguished Senator from Mississippi, Senator LOTT, that, indeed, there very well may be—and I would suspect there are—substantial documents that have not been turned over to this committee or that may have been discarded deliberately, particularly by that team, that so-called Whitewater team. I cannot believe that we have only received documents from a handful of them.

Where is it? Where are they? What happened to those tasks? What did they do? What were their responses to

the tasks, very carefully enumerated? We will go through that.

Last, but not least, I think it is rather interesting that the First Lady turns up at, I believe, the first meeting—I may be wrong—the first meeting. And according to Mr. Gearan's notes: Oh, this looks like a meeting I would like to attend or that I would be interested in.

No, let us not let it be said that these were just casual, indifferent, that these were notes that had no meaning. They reflected a pattern of concern, of fear, of absolutely disdain, in some cases, for the work that professionals at the Justice Department were undertaking.

So, to your question, Senator DOMENICI, they were very revealing and revealed facts that we were not aware of, facts that we are still pursuing.

Mr. DOMENICI. Mr. President, I rise for just a few minutes today to talk about this Whitewater issue. I will take very little time.

I think I should say to my friends on the other side of the aisle that I believe they are making a very big mistake. I can tell you that, if they intend to preclude us from bringing this resolution to the floor and they intend to use that tool called filibuster, the American people are going to get their ears and eyes filled with Whitewater. However, it will not be in the records of the Whitewater Committee. It will be here on the Senate floor, and, frankly, what they are going to hear they are not going to like.

What they are going to hear is going to convince them, I say to my friend from Maryland, that the reason this committee needs more time is not because of Chairman AL D'AMATO of New York taking too much time, being too slow, not doing enough work, and not working the committee and his staff hard enough. That is pure bunk. There are reasons why we are still here and there are plain and simple reasons why we need more time: This is about the toughest committee investigation you will ever find.

Why? The first reason is because witnesses are telling half-truths all over the place. Witnesses are losing their recollection in a way which would make you think that a wave of amnesia has begun to affect young people. Witnesses cannot remember anything. In fact, I cite the testimony of just two of them. We had one witness, Josh Steiner. He was the chief of staff for the Secretary of the Treasury at one point. This young fellow claimed that he could not believe his own diary. Imagine that.

So people had to spend time getting to other witnesses and bringing them in to verify because he could not believe his own diary.

Mr. SARBANES. When was that hearing on Steiner?

Mr. DOMENICI. That was the very first part of the hearings.

Mr. SARBANES. When?

Mr. DOMENICI. Summer of 1994. I was there for that. So I know that.

Mr. SARBANES. Summer of 1994.

Mr. DOMENICI. That is what I was just told by counsel. That the hearing took place 2 years ago has nothing to do with whether he should believe what was in his diary. When we asked him, he had the diary put in front of him.

There is also another one. There is April Breslaw. This is a good one. This witness refused to even verify that her own voice on a tape recording was actually hers. That is the kind of thing this chairman, this committee, and the competent staff had to go through day after day with White House witnesses.

Why do I say that to the American people? I guarantee you that is what makes hearings go on forever. Hearings go on forever when you have to bring in extra witnesses to verify facts, when you have to bring in another witness to verify the verifier, and then some witnesses only know part of the truth, and others do not remember anything. That takes time. It takes energy. That takes competent legal counsel. That is one reason—because the huge entourage of witnesses were about as difficult as you will find in terms of volunteering information and getting it on the RECORD, getting it straight, and getting it right the first time.

And the second reason we need an extension—it will come out in huge panorama for the American people, if the other side chooses to filibuster this—is that the White House and the White House staff are more responsible than anyone else for this committee being unable to get its work done. Let me tell you why.

It came as a shock when, after subpoenas had been outstanding for a couple of years, all of a sudden just before a witness is supposed to testify, they find documents in the White House. Let me tell you, that makes for prolonged hearings. When that evidence should have been available for months, Mr. Ickes finds 200 pages of evidence just before he has to appear. These files and notes in some miraculous way all of a sudden became relevant and responsive to the subpoena. That costs time and exacerbates the delay. If that had been produced when it was supposed to have been produced, it would have been analyzed and these hearings could have been over with.

I am merely telling those listening just who is to blame for the delay. And that is just a little part of this debate. But anyone who blames the committee, the committee's chief counsel—counsel extraordinaire, in my opinion—for this dilemma will find more things in this RECORD to justify our committee and its counsel's competency and ability than anybody has ever thought could be put before the Senate.

If they want to bring Whitewater here and keep it on the Senate floor for a week, then people are going to hear what happened in the course of this investigation. It has been locked up in a committee. It will be unlocked here before the American people, and they are going to pass judgment, I tell you, Mr. President. And if the other side of the aisle does not agree that this investigation ought to go forward, they are harming our President. That is who they are harming, because it is not going to go away. I do not know of a single Member on this side of the aisle who thinks this is going to go away. And I would think, in fairness, there are many on that side who know they ought to extend this committee's work.

They can get up on the other side, whether it is my friend from Maryland or whomever, and say, Senator D'AMATO is asking for too much. As I understand it, he is asking for $600,000, which is probably between 3 and 4 months of effort at most, and then the committee would run out of money. Why did he choose not to agree to a date certain? Because he has now been informed by those who have undertaken investigations before him that to agree to a date certain invites more delays. So essentially this is not open ended because the committee will be out of money soon—in 2 or 3 months.

I can recite lots of facts about the Whitewater investigation. I can come down next time and give my friend, Senator D'AMATO, a couple of hours here. I will read some transcripts, and I will put them in the RECORD, and we will see why it was so tough to get things accomplished and why the investigation is not concluded. And we will see whose fault it is.

But, frankly, I believe the Democratic leader ought to sit down with the Republican leader, Senator Al D'AMATO, and the distinguished Senator from Maryland. They ought to decide and reach an agreement on how we should continue these hearings.

But we should not take a week in this Chamber exposing what is going on in these hearings, but I guarantee for those who want to do it, the President is not going to win. The President is not going to win that debate. If they think the American people are going to end up saying, ''Hurrah, hurrah, we should stop these hearings,'' let me tell you, they are mistaken. They are going to end up saying, ''What's the matter with that White House? What's the matter with all those people? And all that time and effort spent at the White House on Whitewater. Something is fishy.'' They are going to say, ''Something is being covered up.''

I came down to suggest that and to support the chairman. I happen to be on this committee. I am not a longtime member. I have been here a long time but not on the committee. But I think the committee has done a very good job. I do not think that in the debate over this extension that anyone ought to come down here and add onto this record indications that the committee is in any way to blame for the delays that have been caused.

I yield the floor.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. SARBANES. Will the Senator from Arkansas yield to me for just a moment.

Mr. PRYOR. I will be glad to yield.

Mr. SARBANES. I wish to point out to the Senator from New Mexico that this committee held 1 day of hearings in the last 9 days leading up to the end of our time. The Iran-Contra Committee held hearings in 8 of the last 9 days leading up to the end of its time.

Your leader, Senator DOLE, with respect to the Iran-Contra Committee, insisted that it have a timeframe because, he said, it would not be fair to run that inquiry into the 1988 political year. The Democrats in the Congress, led by Chairman HAMILTON and Chairman INOUYE from the Senate, agreed with that. They provided a time limit, and then they met almost around the clock over the last month. They held 21 days of hearings in the last month in order to complete their work. Now, it was your leader who pressed that case very hard. And the Democrats responded to it, in all fairness. Now, this situation is in complete contrast.

Mr. DOMENICI. I assume the Senator is asking for an observation or comment on my part.

Let me say to my friend from Maryland, I just want to repeat, I do not think that this committee has been intentionally dilatory. I do not think for a minute that Senator AL D'AMATO wants to use this to carry it into the Presidential election. Frankly, I look back at the last 3 months and I kind of wonder how he was able to hold as many hearings as he did. I look at what has happened in the Senate during most of that time. We had more votes during a 2- or 3-week period than we have ever had.

Mr. SARBANES. That is not accurate, I say to the Senator.

Mr. DOMENICI. I do not mean in the committee. I mean in December in the Senate.

Mr. SARBANES. I understand. In January and February, when we urged the committee to do an intensified schedule, when the Senate was not holding floor sessions and not voting, over that 2-month period we held only 15 hearings. The Iran-Contra Committee in a month's time held 21 hearings. So during that period, January and February—in other words, the last 2 months of this committee's existence—

Mr. DOMENICI. We had a blizzard. Nobody could get around for a week.

Mr. SARBANES. The schedule ground down. It did not intensify. And over the last 10 days we have only had 1 day of hearings.

Mr. DOMENICI. I almost welcome this, and I am not in a position to do this right now, but if we continue this I will ask counsel for this committee to prepare a work product evaluation for the last 90 days of what the staff of this committee has gone through to try to get this moving, and we will produce it here. And anybody who thinks there has been intentional delay is truly not paying close attention to this situation.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Arkansas has the floor.

Mr. PRYOR. Mr. President, let me also respond to my friend from New Mexico.

Earlier in the afternoon, we did a very quick summary of what the Senate has done in the year 1996 as compared to 1995. In fact, I do not have that sheet before me, but I think we have had—if I am not mistaken, I think the Senate this year, in 1996, has had 21 votes, total. In 1995, we had had 97 votes up until this time. So basically, the Senate, except for the Whitewater operation, has been pretty well, let us say, called to a halt.

We have been waiting for all the primaries to get over, and we have been accommodating. We have been cooperative, et cetera.

Also, I think earlier in the afternoon—I do not know if our friend from New Mexico was here—talking about the lack of cooperation from the White House—I hope, Mr. President, my friend will listen to this—this committee has requested all documents covering an 18-month period—listen to this, please—any communication of any kind relating to any subject between the President, First Lady, any present or former White House employee, and any employee of the RTC and several dozen named individuals. The next group, the committee authorized a subpoena asking for all telephone calls—I heard the Senator from New Mexico, my friend, a while ago talking about his own area code. What is that area code?

Mr. DOMENICI. 505.

Mr. PRYOR. 505. Arkansas is 501. The committee authorized a subpoena asking for every telephone call from the White House in Washington, DC, to any area code 501 number, the entire State of Arkansas, for a 7-month period.

Third, they asked, above and beyond the committee's already overbroad authorization, the majority staff unilaterally, unilaterally issued a subpoena for all White House telephone calls from any White House telephone or communications device for a 7-month period in 1993 to anywhere in the country. This is the type of documentation the committee is trying to force the White House to come up with.

Now, it is my understanding that the committee is trying to get all of the e-mail messages from the White House. Well, I would say to my friend from New Mexico, I think that this White House has been extremely cooperative, and you know it was not just but a very few years ago when, in September 1992, after a subpoena, after a subpoena had been issued in the Iran-Contra affair, you might remember because the Senator was certainly here at that time, as this Senator was present, in September 1992, an administrative staff assistant, Patty Prescott, found George Bush's diary, President Bush's diary which was under subpoena. Where did they find it? They found it on the third floor of the White House living quarters.

Even when the document was not delivered to the investigators, as the subpoena called for—not delivered—Ms. Prescott told President Bush of her discovery and said she believed it was relevant to the latest then-counsel request. The President said he directed Ms. Prescott to have the Presidential counsel at that time, C. Boyden Gray—we all remember—''sort it out.'' That was December 1992, after the election, after the election when Mr. Clinton had won and Mr. Bush had lost. I do not think that the diary was ever turned over to the investigators. If it was, I do not have any knowledge of it.

I do not recall my friend from New Mexico or my friend from New York ever coming to the floor of this Senate and saying, ''Oh, my goodness, this has been a terrible transgression; this has been a terrible obstruction of justice.'' George Bush did not present his diary to the subpoena's call and request for that diary.

So I just think we ought to put things in perspective. I think we ought to talk about how this White House has cooperated—45,000 pages of statements and testimony and records have been turned over from the White House to this committee. They deposed 202 persons; 121 witnesses have testified to this date before the Committee on Whitewater, and the examination, as I have said, of thousands and thousands and thousands of pages.

We on our side of the aisle think that we have proposed a reasonable solution to this so-called impasse, a reasonable solution. April 3, continue with our hearings until April 3, and then allow the Whitewater Committee to, at that time, write a report and submit that report to the Congress and to the public on its findings and any recommendations that it might have.

Then after that, any and all information, I assume, would be turned over to the special counsel, Mr. Kenneth Starr, who is in Little Rock, AR. I am sure he would love to receive all of these truckloads of information that will be driven from Washington, DC, down to Little Rock and deposited in Mr. Starr's office, including all of the telephone logs, all of the telephone records, and even the subpoena for Chelsea Clinton's nanny. I am sure he would enjoy seeing that subpoena, too.

It is my understanding that there is a whole new list now out that the chairman wants to bring before the Whitewater committee, people who have no way to pay their legal bills, people who have no way to pay the costs of coming, mostly from Arkansas, to Washington, DC, and back.

Mr. President, I think we have to talk some sense into this matter. I think we have made a reasonable offer. I am very hopeful that our colleagues on the other side will consider that offer.

I have one other thing I wanted to place in the RECORD. But should my friend desire to ask a question, I will yield for a question.

Mr. DOMENICI. First, let me just say that we are going to miss him when he leaves the Senate.

Mr. PRYOR. I thank the Senator.

Mr. DOMENICI. I appreciate the manner and demeanor he uses in situations like this. It is pretty obvious he has been a loyal friend of the President for a long time. I respect him for that. Nothing I said here on the floor had anything whatsoever to do with a lack of cooperation. You can have cooperation, but what is the quality of the information provided by those who are told to cooperate?

Frankly, I say to the Senator, I believe that when Mr. Ickes just recently, 2 weeks ago, all of a sudden discovered 200 documents that had been under subpoena for a long time, and going through the transcripts and finding the large number of ''I don't remembers'' and the number of people forgetting things that hardly anybody could forget, not believing they are on tape recorders even if they are, and saying, ''That is not me''—when you have all that, it is pretty obvious that the committee is having difficulty getting facts and getting to a conclusion.

It is in that context that I speak here today. Frankly, you all have made an offer from the other side. You think it is reasonable. The chairman and his legal counsel, who know more about it than I do, think it is unreasonable. Somewhere between what you have presented and some other proposition may be where we ought to end up.

But all I wanted the Senator to know is that there are a lot of Senators on this side, who I think are fair-minded people and worried about many of those staff and their legal bills. I read in the paper about it. I am not one running around here saying they should not find resources to help them. I know about that kind of stuff. I am for trying to let them find resources to help with their bills. But that does not mean this committee is to blame for the kind of slipshod efforts that have gone on with reference to the type of cooperation that the President obviously told them to give to this committee.

Mr. PRYOR. Mr. President, if I may respond now that I have the floor. I want to thank my friend from New Mexico. I have loved serving in this body. I have enjoyed so much my service with the distinguished Senator from New Mexico and the Senator from New York and my colleagues on both sides of the aisle. It has been a hope and a dream that I have hoped for all of my life. I have been one of the fortunate 1,800 and some odd people who have had this great privilege. So I thank my colleague very much.

But the Senator and several of our colleagues have made reference during the discussion this afternoon of how many times witnesses forget, how many times they say, ''I don't know'' or, ''I don't recall.''

Let me ask my friend from New Mexico, what was the Senator doing 12 years ago? I am asking my friend, what was the Senator doing 12 years ago today?

Mr. DOMENICI. Let us see, 12 years ago.

Mr. PRYOR. Yes, 12 years ago today. Does the Senator recall who he talked to on the telephone?

Mr. DOMENICI. I was probably campaigning for reelection.

Mr. PRYOR. The Senator was probably campaigning, but he does not recall specifically?

Mr. DOMENICI. If I had a chance to look at all my records and prepare for a deposition, I probably could recall something.

Mr. D'AMATO. What if the Senator had a diary?

Mr. DOMENICI. Maybe if I had a diary. Everybody knows I do not have a diary.

Mr. PRYOR. I was trying to bring brevity. Some of these events happened 10, 12, 15 years ago, a decade ago, 6 and 7 and 8 years ago. A lot of these people did not have an associate or maybe someone we might call a staff person to keep a diary, to keep a phone log, to keep records for them. And they are trying, to the very best of their ability, to come up here and tell the truth as they know the truth. Yet, many times they appear to be badgered before the committee day after day. Sometimes they are attempting to answer the question, and the counsel will not even give them that opportunity. I would just——

Mr. SARBANES. Will the Senator yield?

Mr. PRYOR. I would be glad to.

Mr. SARBANES. One of the things that is happening—and I think this needs to be understood—is that we get notes and testimony, and then it is treated as though it is some new discovery. ''Oh, we found out something that no one knew anything about.'' For example, when Mr. Ickes came in, a lot of focus was on the fact that there was this damage control squad to deal with the Whitewater matter set up in early 1994 and that he was the head of it.

So this is treated in the hearings—and it has been done here on the floor as well today—as a major revelation, a new sort of breakthrough in discovery of facts that has been made.

This is from the Washington Post, January 7, 1994:

> With the start of the new year, the White House launched a major internal effort to fight back against mounting criticism of the way it has handled inquiries into President Clinton's Arkansas land investments. A high-powered damage control squad was appointed under the direction of new Deputy Chief of Staff, Harold Ickes, and daily strategy sessions began.

This article was in January 1994, reporting on this matter. Then we hold a hearing, we get these notes, and this is treated as though some major revelation has been discovered.

Actually the report on February 16, 1996, reads:

> Four days into the new year of 1994, top White House aides gathered in the office of then Chief of Staff Thomas F. ''Mack'' McLarty for the first meeting of the Whitewater response team.

You could take the story from January 1994 and the story written after our hearing, and they are virtually the same. Yet this is portrayed as though something new has been revealed or discovered. This sort of process is going on all the time. Members need to understand that. I thank the Senator for yielding.

Mr. PRYOR. Mr. President, I am going to yield in just a moment. I have only a few more points I wish to make. I would like to read, if I might, Mr. President, a few sentences from a February 15 editorial from the Atlanta Constitution. This editorial begins by saying, ''The Senate's Watergate hearings of 1973–1974''—Watergate hearings—''were momentous, delving into White House abuses into power, leading to the resignation of a disgraced President, and the imprisonment of many of his aides. That lasted 279 days. Next week Senator ALFONSE D'AMATO''—I want my friend to know that I am mentioning his name, and I do not want him to think I am abusing his name; I am simply reading from the editorial—''next week Senator ALFONSE D'AMATO, Republican, New York, and his fellow Whitewater investigators, will surpass that mark. Today,'' which was February 15, ''is the 275th day.''

The Watergate hearings went 279 days. And we have already surpassed probably almost 280 days. ''And they have nothing anywhere near conclusive to show for their labors. To put matters in context, all they have to do is ponder a fairly obscure 1980's real estate and banking scandal in Arkansas.''

Let me interject here, Mr. President. President and Mrs. Clinton made an investment, and it went sour. They lost everything in that investment that they made. I do not know what it was, $50,000 or $60,000, $30,000. I am not sure how much they lost.

What would have happened had they made that much money in this investment or had they made $500,000? We would have really seen a momentous explosion. But they lost money, and they show that they lost that money.

Reading further:

> With the February 29 expiration date for the special panel staring him in the face, D'Amato has the effrontery to ask the Senate for more time and more money to continue drilling dry investigative holes. Specifically, he wants open-ended authority and another $600,000. That's on top of the $950,000 his committee has spent so far, plus $400,000 that was devoted to a Senate Banking Committee inquiry into Whitewater in 1994.

Mr. President, I conclude with the last paragraph of this editorial:

> The First Couple is still under investigation by independent counsel, Kenneth Starr, a former Reagan Justice Department official

who can be expected to scrutinize the Clinton's legal and business affairs rigorously. Any additional sleuthing by Mr. D'Amato would be a waste of taxpayer money.

That comes from the Atlanta Constitution.

An editorial that appeared yesterday in, I believe, the Washington Post states, and I read:

Senator Christopher Dodd of Connecticut reluctantly agreed to renewal of the Senate Whitewater committee's expiring mandates, suggesting limiting the extension to 5 weeks ending April the 3rd. Along with the minority leader Tom Daschle and other leading Senate Democrats, Mr. Dodd told reporters yesterday that they were prepared to filibuster against any extension beyond April.

Mr. President, there is no desire for anyone to filibuster this legislation. We have offered a reasonable compromise, and that reasonable compromise is to go to April 3 and then to allow a 30-day period for a committee report to be sent out to the public and to the Senate and to the Congress of the United States. We think that is fair. We think that is reasonable. We think and we hope that proposal will be given very careful consideration by our colleagues on the other side of the aisle.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, and I will yield to my friend, Senator THOMAS, for some questions that he might want to pose, but before I yield to him for the purpose of questions, let me say, we can all quote editorials. My friend and colleague gave a viewpoint of a distinguished newspaper, but let me say, if one were to look at the major newspapers of this country, very clearly—and I am not talking about now the opinions expressed by various pundit s, but rather the editorial pages—you will find overwhelmingly, 5 to 1 or more, a clear pattern. Those in the media who have been following this, like the American people who have been supportive of our efforts.

And I'd like to add the manner under which we are compelled to operate does not make our work quick or easy. That is, bringing in witnesses, deposing them.

You cannot schedule 1 day after the other. You have to bring in witnesses and examine them. Thousands of hours go into these hearings, not just the hearings that are heard publicly, but in preparation for them. Otherwise, we would have had many, many witnesses who came in and, rightfully, the minority and, more important, the American people would have said, ''Why are you bringing these people here? They have no relevance.''

We have examined well over 100 witnesses—well over—and we will go into that. This month alone, we have examined dozens of witnesses not in a public forum. Many of them we will not call, because we have found that they do not add to the investigation.

So it is not accurate to suggest that the committee has not been diligent, notwithstanding that there may have been a period of time when we have not had many public hearings.

Again, as it relates to the various editorials, I will speak to some of them, but I will tell you that when you find most of the Gannett chain, when you find the Los Angeles Times, when you find the New York Times, when you find the Washington Post and others, for the most part, supporting very clearly that the work of the committee continue, I think it underscores the need for us to find the facts.

Mr. SARBANES. Will the Senator yield on that point?

Mr. D'AMATO. I am not going to. I want to take questions, but I want to yield for some questions which I think Senator THOMAS wants to——

Mr. SARBANES. Does the Senator read the Washington Post as supporting his position?

Mr. D'AMATO. I read the Washington Post as taking a middle ground, not one which I am totally unsympathetic with. And I also read the Washington Post as saying extend but with limits. I disagree to the limits for reasons I stated before.

I think it is noteworthy where they say:

The Senate Democrats would do themselves and the president little good—

Let me read you the concluding paragraph where they say there should be some extension, it is interesting, and I know my colleague, Senator THOMAS, wants to pose some questions:

What the Senate does not need is a Democratic-led filibuster. Having already gone bail for the Clinton White House, often to an embarrassing degree—

I think it is very interesting, because I think, indeed, that is what many of my colleagues have been forced to do, to kind of walk the plank.

Senate Democrats would do themselves and the president little good by tying up the Senate with a talkathon. Better that they let the probe proceed.

Then it goes on to say something rather interesting, that it is a responsibility that all of us have, including this Senator and the majority. It said:

Give the public some credit for knowing a witch hunt and a waste of their money if and when they see one. And that, of course, is the risk Senator D'Amato and his committee are taking. The burden is also on them.

Mr. SARBANES. What about——

Mr. D'AMATO. Let me suggest that by simply saying this is politics, this is politics, this is politics, this is politics, it reminds me of the adage that if you repeat it over and over and over and over, you will draw people from what it is we are doing. I think this is a well-orchestrated attempt by the Democrats, by the minority, to have just that, to have us forget the paper trail, to have us forget the witnesses who deliberately —Senator, I will yield to you when I am ready to yield to you. Senator, I have not interrupted you once.

Mr. SARBANES. Yes, but you are——

Mr. D'AMATO. I watched you now for quite a period of time. I have not interrupted you. When I yield the floor, then you can ask whatever questions you wish. If I am here, I will attempt to answer them.

The fact of the matter is that there has been a persistent pattern of delay, obfuscation and deliberate memory loss. When this matter gets to the floor next week, we will go through it.

We will go through, for example, incidents where Mrs. Clinton, the First Lady, right after the death, or soon after the death of Vincent Foster, makes a phone call to Susan Thomases. Susan Thomases comes in and testifies to us she does not recall the phone call.

By the way, this is on, I believe, July 22. I will have the record in front of me. This is after the death, and they are now going to conduct the investigation as it relates to what papers may or may not be in Mr. Foster's office, looking for possibly a suicide note. She would have the committee and the American people believe—I think it is absolutely incredible—that at 7:57, a phone call from Little Rock, AR, made by the First Lady to her hotel, that she did not get it. The First Lady was on the phone for 3 minutes. ''Maybe the operator got it.'' At 8:01, 1 minute after that, she admits to paging Mr. Nussbaum.

Let me tell you why she admitted it, because she would have feigned recollection there, too, in my opinion. You see, because Mr. Nussbaum had an assistant, and that assistant indicated Mr. Nussbaum said Susan Thomases called him, so she could not very well deny that call. But, believe me, if there was any way for her to do it, she would have done it. This is one of the most capable lawyers in America, described as a lady who has the ''juice.'' ''She has the juice,'' they said. She walks into the White House whenever she wants. She is a close confidant, a friend, a counselor. Guess what Mr. Nussbaum's assistant, Mr. Neuwirth, says in depositions and testimony? He says—I am paraphrasing, but we will get it on the record with absolute precision because I know my colleague wants that. We will get that absolute precision.

The First Lady was not happy. The First Lady was not happy with the manner of investigation, that there would be unfettered access into Mr. Foster's office. We asked about that call and, of course, remember, we have absolute proof, phone logs—if we did not have the phone logs, they would deny anything and everything. I will give you examples of this. As Senator DOMENICI has indicated, I am not going to just sit here and have those who would take our work and our good efforts and simply attempt to politicize them for their own purposes. That is my observation. I think they ought to be ashamed of themselves for doing that. We have worked together too long and hard in a spirit of bipartisanship. But if they want to throw that out and just do the bidding of the

White House and carry their water, that is their decision. As the Washington Post said—and I just quoted that editorial—''to almost an embarrassing degree.''

Let me tell you, when we asked Mrs. Thomases about this call—she said she was reaching out. It was a touchy-feely call. When we asked about the other calls she made—and there were 13 or 14 within a hour and a half—to Nussbaum, calls to the Chief of Staff office, almost frantic. She was reaching out to touch someone. There is an ad about that. By the way, we have not been able to examine her yet. Only because we received logs and notes that indicate she had a communication from Mrs. Clinton's scheduler saying, ''Come down to Washington to see us,'' and she did come; the only reason we know she went over to see her is because the White House logs maintained by the Secret Service indicate that. Lawyers were meeting—a lawyer—Mr. Barnett was meeting with Mrs. Clinton to review various documents, and documents were indeed turned over to Mr. Barnett on that date. We said, ''Did you recall meeting Mrs. Clinton?'' She was upstairs for an hour and a half. I believe that date was July 27, but I have not looked at the records for a while. ''No.'' ''Did you meet with Mrs. Clinton?'' ''I do not recall.'' ''Did your scheduler tell you?'' ''I do not recall.''

Look, that is absurd. We are not talking about incidental events. We are talking about critical times and junctures. We are talking about a pattern. That is what we see taking place. So we have not been dealt with fairly. We have not had candid testimony from numerous witnesses. The pattern continues. And there are those who say, ''Why are you doing this?'' I say, why are you afraid of getting the facts? The only reason I am forced to editorialize, or at least sum up what I see at this point in time, is because of the opposition of the other side to permit us to do our work. So that, then, puts me in a very peculiar and difficult position, one that I have resisted in terms of making these observations public and making them with more precision and preciseness. But we will do that. We will have no choice but to do that. We will have no choice but to decide, when we do not have all of the facts—and that is why we are making a mistake by pushing this at this point in time, instead of saying, OK, we will permit x numbers of dollars, and let us see if we cannot wind this up within a reasonable period of time after you get access to the necessary witnesses, particularly those who may or may not be called to testify but that the special prosecutor objects to.

I see my friend wants to raise a question. Certainly, if he wants to raise that question, I will take it.

Mr. THOMAS. Mr. President, let me say, first of all, that I enter into this debate and discussion from a little different point of view. I have not been a member of this committee, and I have not indeed followed it real closely. But I am very interested in it. I understand there is a purpose for this committee action. The purpose is to discover what the facts are. So I am a little surprised when they argue that we ought to stop, put a limit on it, when we have not completed what the purpose of it was, which was to find facts.

I must tell you that I did have a little brush with it in the House last year. I was on the Banking Committee. Somebody talked about Mr. GONZALEZ's report. He would not let us do anything last year. We were stonewalled. So I was excited when the Senate went forward with an opportunity to do something. I know a little about that because I was there. So I say I am surprised, and I am not sure I should be surprised. I know that the minority sort of acted like defense counsel here instead of asking questions.

I do have a couple of points. Mr. President, if I might ask, I am curious about the work of the independent counsel and its effect on the committee's work specifically and if the criminal investigations into Whitewater have impeded the congressional efforts to get all the facts about Whitewater.

Mr. D'AMATO. As my distinguished colleague may be aware, the Senate resolution that empowered us to go forward indicated that we should coordinate our activities with the investigation of the counsel. We have attempted to do that.

Mr. THOMAS. What about the October 2, 1995, letter Senator SARBANES made reference to yesterday? Is it the special committee's intention to move forward without regard to the independent counsel's investigation?

Mr. D'AMATO. I am glad my colleague has raised that point. I think one has to read the letter in its entirety, not just part of it. It was our very real intent to bring forward and to move in an expeditious manner with these hearings, but never without regard to the independent counsel's investigation. Even in that letter of October 2—which does not contain the totality of our discussions either with the independent counsel or with the minority—indicates that we were going to be very mindful of the independent counsel's efforts. That letter, if you read it in its totality, indicates we are going to be very mindful of not impacting on the special counsel's work adversely.

Mr. THOMAS. It is my understanding that there are criminal trials pending. Could the Senator share with us the timetable with respect to these trials?

Mr. D'AMATO. Again, I appreciate my colleague's inquiry because we are now talking—by the way, in our letter, we expressed some concern that this trial would be adjourned much longer than the beginning of the year. They indicated they thought January and possibly early February. That is going to be going off next week. We are there at that point.

There have been other delays. It just seemed to us that as time went along, as we attempted to bring in Judge Hale, in particular meeting with the difficulties of Judge Hale's lawyer—the distinguished counsel had a number of arguments before the Supreme Court. He told our counsel that he could not even consider bringing his client in because he had to prepare him, and he would not be able to prepare and be thoroughly briefed until after he made these arguments. One of those arguments was postponed due to the snowstorm we had.

I have to tell you that we are making every effort. It was unusual, almost unheard of—the Supreme Court's adjournment of a matter that had been docketed and set for schedule. But the Court found that the circumstances were so difficult that they granted an adjournment. People could not make it in, participants in that case. That was put off until the end of January or very early February.

That is a practical matter that made it impossible for him to prepare the witness, to bring him in. We were just not ever able to get that concurrence. Notwithstanding that, we might have had strong objection because the independent counsel did indicate he was opposed. We were still willing to attempt to bring him in.

Let me say this to you. Once we began to hit February, the end of January, February, you then run into a question of responsibility of this body in conjunction with and cooperation with the independent counsel. You really do. We could have insisted that the attorney formally raise the fact that his client would assert the privilege against self-incrimination.

There is something more important. Rather than run the risk of jeopardizing—because we were so close to that trial, so close to the proposed trial of March—putting that off or creating an impediment to the special counsel going forward. I think in a responsible way we did what was absolutely necessary and did not attempt to create a clash or a crisis with the prerogatives that we had, which we could have exercised, but I think would have been injudicious.

Mr. THOMAS. As I understand it, the proposal that has been brought forth is to conclude the special committee's work in the middle of April and the possibility of examining either Governor Tucker or the McDougals, then, would not be possible, is that correct?

Mr. D'AMATO. That is absolutely correct. It would be impossible, and we may or may not be able to get them in any event. That would certainly preclude the examination of McDougal and would preclude us from even considering whether we might want to immunize him, to get his testimony, whether or not the special counsel might agree after that trial to us providing them with immunity, and also other witnesses, Judge Hale and about a dozen others who may or may not be testifying.

Let me say, it has been indicated that there is going to be public testimony at this trial. The scope of the trial—given that it is a criminal trial, and given the rules of evidence—will not permit the kind of latitude that would give a full, detailed story as to what did or did not take place. Indeed, there may be testimony that we seek or require that will never be asked of these witnesses at a public trial.

Indeed, all the questions may be answered. We may have no need to bring some of them in. We may not have to. But to prejudge it now and to say that we are going to cut it off now is wrong. It is wrong. We should not set an arbitrary time limit for it.

Mr. THOMAS. I thank the chairman, and I certainly want to congratulate you and your committee for continuing to seek to find the answers. That is what this is all about. I certainly hope we continue to do that.

Mr. MURKOWSKI. Could I ask my friend from New York a question?

Mr. D'AMATO. Certainly.

Mr. MURKOWSKI. Mr. President, the Senator from New York has led, as chairman of the Banking Committee, the extraordinary responsibility of this body relative to the Whitewater investigation. I ask my friend from New York, as a consequence of what I understand is accurate to date, the investigations have led to nine convictions and seven indictments, which is reason to believe that more may still be coming. Two indictments occurred just last week.

Now, in conscience, how could the chairman suggest to this body, as a consequence of this factual information, to terminate these hearings or even indicate a definitive date at which time these hearings might be concluded? I think that my colleague would agree that the work of the Whitewater Committee is clearly not done, the investigation is not complete. The primary reason for its incompleteness is the inability of the White House to present factual material in a timely manner. It has been suggested that some of the material provided by the White House comes in like a haystack, but the needles—the information that the committee really needs—is missing.

I ask my friend from New York, how can those that object to the continuance of this very important process conceivably reflect on the collective responsibility we have as a body? My question to the Senator from New York is, how do you see your responsibility as chairman of this committee? How do you see the responsibilities have been given to you? And, without all the facts before the committee, how can you reach a definitive deadline such as April?

The PRESIDING OFFICER (Mr. BENNETT). The Senator from New York.

Mr. D'AMATO. I thank my friend and colleague. The Senator from Alaska has served on the committee and knows and has felt the manner in which the committee in many cases has been almost stifled.

I think the point is inexorable. I do not think the Senate could possibly discharge its duties by truncating or terminating its work by setting an arbitrary deadline, one that particularly would ensure that we would not have access to a number of witnesses whose testimony may be very key, and as a result of relevant information and facts it leads you to possibly other facts that one must discover, other areas that one must look at.

That is why I think any thoughtful analysis of the committee's work, where we are today, would lead one to believe, as Senator Mitchell once indicated very clearly in his book, ''Men of Zeal,'' do not put an arbitrary end date for any hearing, even if the intent—and I am paraphrasing—is to avoid partisan politics. That was the intent in Iran-Contra, not running it into the political season. That was my intent. That was the intent of the distinguished ranking member.

There is no doubt, I hope he would not have questioned, or did not question, the sincerity of the Senator from moving forward in that manner. That was my intent. That continues to be my intent.

I also suggest that it seems to me that I do not know how my colleagues can know for certain what may be revealed or may not be revealed. I do not think they can. I do not think they know the documents that may or may not have been produced. I do not think that they are aware of what the testimony of various witnesses we would like to bring in will be, but certainly it would appear that the White House is very intent, and my colleagues are intent, in order to protect them—and I am paraphrasing the New York Times editorial—to protect them from embarrassment.

It is better to get the facts out now and let the chips fall where they may than to continue this exercise in this matter. It will not dissuade the chairman and the committee from doing its job by simply charging partisan politics. That has not been the case. It will not be the case. I will move as expeditiously as the events and facts permit to end the work of this committee, particularly the public hearings, but that will be based on facts, not an arbitrary date.

I answer my colleague in saying we should not set an arbitrary date. It is exactly the situation we find ourselves in today. By the way, if we reflect on the words, and I read them half a dozen times today, that our friend said—the parallel between what took place then, bureaucrats holding back information, looking at a date in which the inquiry would terminate, attorneys keeping their clients from coming forward, et cetera, and delaying and obfuscating—it is the same pattern that we see repeating itself. It is, I think. I am sorry that I agreed to a date. I did not contemplate that this would take place.

Now, you never get credit from the other side in attempting to be fair. You just do not. But I will attempt to be fair and to say to them, not all of this has been occasioned by some kind of a diabolical political plot by my colleagues or the Democrats or the White House. That would be unfair. Some has been occasioned by attorneys who are looking to protect their clients. And, so, they have engaged in a pattern, it seems to me, of withholding, having them testify in that manner. At least the clients have insisted upon it, or maybe witnesses, who said I cannot recall anything.

Mr. MURKOWSKI. Let me commend the Senator for accepting the responsibility of responding to such a wealth of questions. I know that it is your desire and sense of real obligation to get to the bottom of this investigation so we are all satisfied that the investigation was done fairly, appropriately, and in depth. But I wonder if my friend from New York recalls a comment of one of our colleagues during the Iran-Contra debate? Our good friend, Senator BYRD, said:

> The Congress has a Constitutional responsibility of oversight, a Constitutional responsibility of informing the people. . . [T]o reassure the faith of the American people in the Constitutional and political system, is to find out about all of these things that we have been hearing, and the way to do it is to go at it, put our hand to the plow, and develop the facts.

Now, I think that sets a pretty good direction for the committee. I think we all know that the constitutional process is going to take time. It is going to take expense. Also, I think that it is important for my friend to consider the recommendation of certain editorials—so I ask if my friend from New York would comment on two editorials. I will quote a portion from the Washington Post, February 15, 1996:

> Hardly a day goes by without someone in the administration suddenly discovering some long-sought subpoenaed documents. . . The committee clearly needs time to sift those late-arriving papers.

And, in the New York Times, February 28, 1996:

> The Senate's duty cannot be canceled or truncated because of the campaign calendar. Any certain date for terminating the hearings would encourage even more delay in producing subpoenaed documents than the committee has endured since it started last July. . . .
>
> No arguments about the politics on either side can outweigh the fact that the White House has yet to reveal the full facts about the land venture. . . . Clinton's work as a lawyer on Whitewater matters and the mysterious movements of documents between the Rose Law Firm, various basements and closets and the Executive Mansion. The committee, politics notwithstanding, has earned an indefinite [an indefinite] extension. A Democratic filibuster against it would be silly stonewalling.

I ask my friend from New York, recognizing the statement of the former majority leader and our good friend, Senator BYRD, regarding his statement of the Iran-Contra dispute, is not the

same constitutional application and principle appropriate in this case? Should not that same constitutional application be used as we search for the facts and attempt to reach a final conclusion so that the American people as well as the Congress can be satisfied in this matter?

Mr. D'AMATO. The Senator from Alaska is absolutely correct. He is absolutely correct. I think our colleague, Senator FAIRCLOTH, has indicated there should be no price placed upon the integrity of the White House.

The fact is, the cost for the hearings, and given the work, the witnesses, the volume of work, sifting through the haystack to attempt to get the needles—it has been difficult. The lack of cooperation of various witnesses; the lack of cooperation with various agencies; the lack of cooperation and candor with many, many officials; total failure to recollect events, even though the diaries put them at various places doing various things; even the transmittal of documents when occasioned by distress calls.

I have to tell my colleague that the committee's work must continue and that we have limited it, both initially and now, to very modest sums. Although $600,000 is a lot of money, if we look at the Iran-Contra investigations and hearings—and again those were almost 10 years ago—that cost was $3,300,000. I think it was $3,298,000 at that point in time. If we were to get this appropriation, and I believe we will, we would still have spent less than $2 million.

I am not suggesting that is not a considerable sum. But I am suggesting that the work that we have done, the charge and the responsibility, is important. And in the words of Senator BYRD, it should be continued. It is our ''constitutional responsibility.'' Certainly it was true then and it is true now. Certainly Congress met its responsibility in fully funding the Iran-Contra hearings.

Again, if we look at the words of two of the Members who served on that committee, they said they made a mistake by setting an arbitrary date for concluding the hearing. I think it is disingenuous for people to say—by the way, I understand it comes out of the White House spin doctors—that $30 million has been spent. And we have heard it here today. ''Do you know how much food that could buy? Do you know how many people that could help?''

This committee has not spent $30 million. The work of the independent counsel was decided upon by none other than the President of the United States and the Attorney General. They requested that the independent counsel undertake his work and there have been 11 or 12 convictions or pleas of guilty. And he does continue his work. He has one capacity. That is to ascertain criminal wrongdoing and to prosecute it where it is found. We have another. To simply lump it in and then say to the American people, ''This is politics, and they are spending all this money in search of we know not what it is,'' I simply have to say that is not correct. And it is not factual. And it is not dealing with our colleagues in a fair and even-handed manner, in the same manner in which they would like to be dealt with.

Mr. MURKOWSKI. May I ask my friend from New York a question, since partisanship has been brought up here more than once or twice in the discussion? Would my friend from New York care to enlighten the Senator from Alaska on what is the objective of our friends on the other side of the aisle? Why do you believe that the other side of the aisle is delaying the majority from bringing this matter before the Senate for a vote? Wouldn't you agree that we are all here collectively to meet our obligation of finding the facts and presenting them to the American public? What could be more political than for one party to ban together in an attempt to delay a vote? I am sure that is of some frustration to my friend from New York. Would he convey, in the graciousness of the cordiality that we are all bound by, why this body is being prevented from bringing this resolution to the floor?

Mr. D'AMATO. I have to say to my colleague and friend from Alaska, politely, I can not understand what my Democratic colleagues hope to accomplish by extended, protracted debate—which is a filibuster. That is a nice way of talking about filibustering this. It will only conjure in the minds of people the question: What are you hiding and why are you doing this?

I think the Washington Post, although it did not say, today, that we should go on endlessly—nor do I believe we should—they said, today, that ''The Senate Democrats have already gone bail.'' That is pretty tough language. Listen to this.

''What the Senate does not need is a Democratic led filibuster, having already gone bail for the Clinton White House, often to an embarrassing degree.''

Mr. SARBANES. Will the Senator yield on this editorial?

Mr. D'AMATO. Certainly.

Mr. SARBANES. Because the Senator continues citing it, yet the editorial very clearly states the Senate should require the committee to complete its work and produce a final report by a fixed date. That is the essential difference between the two sides.

You want an indefinite hearing, and we have suggested that there be a fixed date, just like I say to the Senator from Alaska there was in Iran-Contra, which is exactly the position that Senator DOLE took at that time and which was acceded to by the Democratic Congress. This editorial is consistently being cited by my colleague from New York, and yet the editorial says, in very clear terms, the Senate should require the committee to complete its work and produce a final report by a fixed date, a matter with which the Senator, as I understand it, disagrees.

Mr. D'AMATO. I indicated heretofore that I would not—and I again cited none other than an authority on this than Senator Mitchell as to why a fixed date I believe would be counterproductive. Having said that, certainly April 3 is absolutely unacceptable, or April 5—is guaranteed to deny us essential information and evidence that we would need. There is no way that trial will be concluded.

Let me say something else. I would be willing to say that at some reasonable period of time after the conclusion of the trial, whether it results in whatever—an acquittal, a conviction, or a hung jury—that we then, because there are practicalities, an attempt to end this, whether it is 8 weeks thereafter, that we would, and then a time for the writing of a report. But even that is dangerous because then we run into the problem of having certain attorneys looking to take advantage of every opportunity to run the clock.

Mr. MURKOWSKI. I ask my friend from New York, is it not a fact that on February 17 the committee received notes of important substance from Mr. Gearan? And, isn't it true that on February 13, the committee received Michael Waldman's notes, which totaled over 200 of information? In addition, isn't it true that the committee received Harold Ickes' documents, which totaled over one hundred pages? That was just 8 days ago.

How could the committee possibly evaluate that information? How could the committee possibly be expected to set a definitive date of when this investigation will be completed when we received subpoenaed information only 8 days ago? Do you not believe that this task is virtually impossible knowing that we have every reason to believe there is other material going to come in?

I ask my friend from New York if he would feel that he is acting responsibly if he sets a definitive date of when the investigation would end, knowing that 8 days ago the committee just got several hundred more pages of information? How long does it take the professional staff to go through that information, and how long does it take the staff of the minority side of committee to examine that information?

Mr. D'AMATO. It would be impossible to give a date exactly, because the Senator is right: We have to go through the information and bring in people. It may develop—and does in many cases—additional leads and additional people.

I have to tell you. I do not believe that we have received nearly all of the pertinent information that we have requested, or subpoenaed, or that has been subpoenaed by the special counsel. I just do not believe that to be the case. I think it is impossible to believe that other members of that White House defense team, that strategy team that met during the early week of

January—they met under extraordinary circumstances, they met repeatedly, they met every day for a 1-week period of time, and thereafter—that there is not more information that was available that has not been turned over to this committee.

If we set a time, I have to tell you something, I do not think we will ever get it. If we do not wait to see what takes place in terms of that trial and what witnesses we may or may not have, we are never going to get all the facts. I never knew that a committee ran just simply on the basis of a time line. I thought that our obligation was to get the facts. I thought that was what determined. And if we were doing a credible job, if we were getting the facts, that we would continue until the picture was completed, until the job was completed, if it took additional resources. That is why we are here. We are here for those resources.

Let me say that we did not say ''give us such funds as may be necessary.'' So you see when we say there is not a definitive date, that is true. But we have asked to limit it to an amount of money. That amount of money will only enable us to go approximately 3, maybe 4 months if there is no real activity, and if we have to suspend during a period of time, maybe somewhat longer. Indeed, if there is no justification—and I suggest it has been the action of the White House and their people in terms of holding back documents, that has brought us to this point where we suspect, and I think we have reason to suspect, that they are still withholding key documents and information from the Senate.

Mr. MURKOWSKI. Along those lines, I would ask my colleague from New York if he can explain to me why throughout the testimony of Susan Thomases and Maggie Williams there seemed to be significant memory losses. I am particularly thinking of Maggie Williams, the chief of staff of the First Lady—she responded some 140 times, ''I do not remember.'' These are people that were in positions of responsibility, and, obviously, very intelligent people. These were significant events in their lives. And to suggest that Maggie Williams had no recollection 140 times is troubling to this Senator. Also troubling is the fact that Susan Thomases, the First Lady's friend and adviser, told the committee ''I do not remember'' over 70 times.

My friend from New York is a lawyer who has practiced and who knows something about the procedures in the court. What kind of an explanation can you provide for Maggie Williams responding 140 times ''I do not remember'' to questions from the committee? And what kind of explanation can you provide for Susan Thomases telling the committee that she ''didn't remember'' over 70 times? I find that very discomforting because, obviously, it suggests that there are questions that witnesses are refusing to answer. I know the chairman sat through every single witness and was troubled by this as well.

Mr. D'AMATO. The Senator is absolutely correct. Of course, you see that you could ask. If you were to say, ''Where were you, Senator, on last week on Tuesday,'' I could not tell you now. I would have to look. But when you have key events, monumental, the death of a trusted friend, someone you have known for a long time, someone who you have worked with, and you get some of the testimony surrounding that event, surrounding the search for something that was important, the possible suicide note, to have the kind of statements ''I do not recall.'' ''I do not know.''

''Who did you speak to?''

''I do not know.''

''Did you speak to anybody?''

''I do not know. I do not remember. It would have been any''—it is just inconceivable. It smells of a well-orchestrated plot to deny the committee the facts and the information. And it is not just once; it is repeated.

Then when we find—and, again, very troubling—documents that relate to the work of the First Lady, documents that relate to her representation, or at least the fact that there were numerous phone calls to Seth Ward, Seth Ward, a man who purchased the property known as Casa Grande, Seth Ward, Webb Hubbell's father-in-law, Associate Attorney General, his son-in-law is in that law firm. It is interesting the son-in-law did not represent or make the phone calls with respect to his father-in-law who he was close to, a transaction that can be described as nothing less than a sham, that attempted to provide Seth Ward, in the final analysis, with over $335,000, and finally had to agree to give back to the RTC. One has to say, was it that representation, or those phone calls which we were never aware of until we found the billing records? And where were the billing records of phone calls between Mrs. Clinton and Seth Ward? In the personal residence of the President and the First Lady, in their personal residence. How about that? Are we to believe some construction worker picked them up someplace? Where did they pick them up, and where did they get to where they got, the President's personal residence, in August, just when the RTC was again releasing a report dealing with these events?

So it is very troubling. It is very troubling and it raises questions. Maggie Williams, you see, was seen, at least by the testimony of Officer O'Neill, a career Secret Service officer, who would have no reason to concoct a story, says that on the night of Vincent Foster's death he saw Maggie Williams coming out of Vincent Foster's office—and she admits she was there—and that she was carrying papers, files. And he remembers with great detail, that when she, Maggie Williams, who is Mrs. Clinton's chief of staff, attempted to gain access to her office, she could not do it; she had to balance the files with one hand and then with the other hand open her door.

You see, this is an experience I think probably many of us have had when you are carrying something and then you have to shift it. And he said she propped it up against the wall or a cabinet so that she could then use her other hand to open the door. That was a specificity that made it hard for this Senator to not totally believe Officer O'Neill.

Let me tell you, the saga continues, the saga of the memory lapses, because Maggie Williams denies that this occurred.

But then there is another White House staffer, a young man who works there as an assistant by the name of Tom Castleton. He still works there. This is not someone who is in discord with the administration. This is not a partisan—if anything, he may be a partisan supporter of the White House. And there is nothing wrong with that. But he has no reason to lie.

What does he testify? He testifies that when Maggie Williams is carrying a box of documents up to the personal residence of the White House, she says, ''Mrs. Clinton wants to review these papers.'' When we asked Maggie Williams, she didn't say that; she has no memory of that. Why would she say that? She would never tell this young man that for no reason. After all, of course, he told us the truth. He had no reason to make this up.

Let me ask something else. It has always mystified me why it is people have to invent incredible stories. Would it not be ordinary, if papers that belonged to you, that were with a trusted friend and a legal advisor, that you would look them over as opposed to simply having them turned over to another attorney without looking?

I find that very difficult, very difficult to understand. It would seem to me that if the Senator had important papers entrusted to his legal advisor and counselor and something has suddenly gone wrong and those papers were packaged and sent to your residence so you could then send them over to your personal lawyer, would you not look through them? Would it not be natural? Would it not be correct? Would it not be right? But you see what happens when people invent stories; they are stuck to them. They are stuck to them. Once the White House issued the statement, a definitive statement, that the First Lady had, never looked at those papers, they could never explain how the papers that were sent up there found their way back down, and then, if all of those papers were sent over to Mr. Kendall, the lawyer for the Clintons, if all of them were sent over, then how could it be that the billing records were found in the personal residence, if you had already said for the public record, public consumption, that you never looked at the records?

So now we have the mystery of the appearing documents. Where are they found? In the personal residence, where all the papers had been brought initially, all of them, and, I would suggest

to you, probably including the billing records. And that, indeed, when we have heard this troubling story—because I tell you it would be absolutely totally reasonable for anybody, President or anyone—to look through their personal files and their personal records. I think that it would be unusual, unusual, absolutely unusual—after all, they had nothing to fear. There was no wrongdoing. Why would you not look through the papers to ascertain if these were papers, indeed, that should be then sent over to a new lawyer. Would you not want to look at them?

So the answers that are forthcoming do not in many cases lead to a conclusion. They raise other questions. But let me say our mandate is to get the facts. It is not to rush to judgment. It is only because—and I have only shared this for the first time—of some of the questions that I consider important, some of the troubling aspects, that I raise this. I have not raised this heretofore. I have not shared this with the media. I have not rushed to judgment, nor do I. But I raise this question—and there are others—in light of testimony given by witnesses who have nothing to gain, who, if anything, are supporters of the administration. Neuwirth, assistant counsel to the chief counsel of the United States, he says they are concerned about unfettered access, that Mrs. Clinton was concerned. This young man, Tom Castleton, who says Maggie Williams, Mrs. Clinton's chief of staff, says that Mrs. Clinton wants to review these documents. Then the White House states that they did not look at these documents. Then the billing records appearing. How did they get there?

So there is more work to be done. I do this—and I was not happy about having to raise these questions at this point in time—only because, again, the assertions have been made that our investigation has not revealed anything, that this is a waste of time and a waste of taxpayers' money.

Let me conclude by saying I believe that the committee has been patient, in some cases overly so; that the committee has gone out of its way to give the benefit of the doubt, as we should and will continue to do, to witnesses and in certain instances when evidence has not come forth when it should. We will say, let us conclude our job, get the facts, and that is when we will end the investigation, sooner rather than later.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. I thank the Chair.

Mr. President, unlike my colleague, I will be brief. I will be to the point as nearly as I can. I have been standing now for 1 hour and 20 minutes on the floor of the Senate to try to get a word in edgewise, and I recognize that when someone has the floor, they can literally keep it forever. I was prompted to come here by some remarks that I heard by my friend and colleague from New Mexico, Senator DOMENICI, a couple of hours ago when I happened to hear him say that the only way to resolve the problem before us is for the majority leader and the minority leader to sit down in one office or the other and come up with some kind of an agreeable compromise.

I thought, as usual, that was a very constructive suggestion from my friend and colleague from New Mexico, with whom I have worked on the Budget Committee each and every year, this being the 18th, since I have been here.

It makes an awful lot more sense than the long, drag-out confrontation that we seem to be headed for and are involved in now with regard to what is right and what is wrong with the request made by the chairman of the Banking Committee for the continuation of the hearings as long as he wants to pursue them in whatever manner the chairman of the committee wishes to pursue them.

I notice with great interest there were several references during the last hour and 20 minutes, when I was listening very carefully, that the name of Robert BYRD was used. We all respect Robert BYRD as one of the great Members of the U.S. Senate of today and certainly, in my opinion, of all time. It has been said on the floor that Senator BYRD felt that the Iran-Contra hearings should proceed because we have ''a constitutional responsibility.'' I do not think there is any quarrel with that. I suspect that Senator BYRD voted for the Whitewater investigation, as did this Senator, because I think it is our constitutional responsibility to investigate wrongdoing.

In that regard, I might say that one of the side elements of this investigation and other investigations that we see more and more and more going on forever and forever and forever in the Senate of the United States, has caused a great deal of harm and a great deal of expense to many people whom most would agree are totally innocent. That has happened. The committee is chaired by my colleague from New York. It happened in previous committees.

If you read the newspapers and talk to some of the people that have appeared before the Banking Committee, you will find that when they come there, they have to bring a lawyer to protect themselves. The amount of lawyers' fees that these people have, mostly without means, to defend themselves when they are called by a committee of the U.S. Senate, they have spent anywhere from $50,000 in the last few months, sometimes up to $500,000 in the last few months, out of their own pockets to defend themselves, when in most instances most would agree most of them, if not all —and I say most of them, and maybe all, with the understanding that there was always a reason to investigate Whitewater. The dialog that we have heard, the dog and pony show for the last hour and 20 minutes, was merely to fulfill the wishes of those who wish to continue.

Senator BYRD said it is our constitutional responsibility. And it is. And we have investigated. Senator DOMENICI suggests that the two leaders should get together and work out some kind of a compromise, if you will. That is the only way we get things done down here, after we raise all kinds of havoc. I endorse the suggestion made by Senator DOMENICI.

My colleague from Maryland, the ranking Democrat on the Banking Committee, knows where this Senator has been coming from on this issue for a long, long time. I think that we have granted the Banking Committee—I voted to give the Banking Committee the time and the money to make an investigation. I am willing to give them some additional time, if that is what they need.

But if anyone thinks that this Senator is going to give an open-ended license to the present chairman of the Banking Committee, or anyone else, to go on and on and on and on, on something that, in my view, should have been concluded weeks ago, they are badly mistaken.

We do this to ourselves here, Democrats and Republicans, over and over again. We wonder why the polls show that the people despise—I think the word ''despise'' is not overstated—they despise, as a group, the Members of the House of Representatives and the Members of the U.S. Senate. Even used car salesmen, I believe, rate ahead of us in the polls. Why is that? Because we bring it on ourselves, Democrats and Republicans. It is not just one side of the aisle or the other. It is the conspiratorial nature of the business, unfortunately.

Mr. President, I had been the Governor of my State for 8-years, longer than any other person in the history of that State, and this is my 18th year in the U.S. Senate. I have never been sued, either before I was in public service or since I have been in public service. I never have been accused of any wrongdoing. I have never had to pay out a dollar, let alone $50,000 or $500,000 or more, to defend myself. I have had the wonderful experience of serving 18 years in the U.S. Senate.

I have been in hundreds of thousands of hours of committee hearings on the national security interests of the United States, the Armed Services Committee, in the Budget Committee, that is very much up front now. I happen to be the ranking member of the Budget Committee at the present time. I also serve, and have since I came here, also, in addition to those two committees, as a member of the Commerce, Science, and Transportation Committee.

I am proud to say that never, as long as I have served or called witnesses or been a part of questioning witnesses, have I ever cost even one of those witnesses any money out of their own pocket to come before me as the sacred

one on the elevated platform directing questions down at them.

It so happens that I have not, nor have I ever, sought to serve on the Ethics Committee of the U.S. Senate. I do not like judging other people. I have never sought to serve on that committee or any other investigative committee that is going after people, to get people. Some of that is necessary. I believe that BOB BYRD is right in saying we have a constitutional responsibility to do that. But in so doing—and it has been going on and on every day, almost of every week of every month, and certainly of every year since I have served in this body—some people, a group of people, have set up themselves as judge and jury. They use the taxpayers' money of the United States of America to make accusations, to carry on investigations, some of them legitimate. But we wonder why the people of the United States distrust us.

I saw a bumper sticker on a car in Nebraska the other day that said, ''I love my country, but I don't trust my Government.'' Well, is it any wonder what we do to ourselves? We have become the conspirators, whether we recognize or realize it or not. And the feeling of the people of the United States with regard to their elected public officials, most of whom I can certify are honest, God-fearing people trying to do the right thing, whether they have Democrat or Republican behind their names, we wonder why we are not more respected. Because of what you see on the floor of the U.S. Senate tonight.

I am not conspiratorial by nature, and I do not like what is going on. In addition to the committee of jurisdiction that seems to be on the tube every time I turn on C–SPAN, and I see mean-looking lawyers peering down, as if they were judges, at these people behind them, kind of like the Christians in the lion's den in Rome—I see that, and I do not like that either because I think you can make inquiry of people as a U.S. Senator in a fashion that does not say, ''It is us against them.'' That is what is going on here.

The costs of this, as I understand it, are over $1 million for the committee and up to $15 million or more for the special prosecutor.

The special prosecutor has a job to do, and I voted the money to have the special prosecutor check into Whitewater. I guess what I am saying, Mr. President, is that somewhere sometime enough is enough.

Some—not this Senator—some have said that the chairman of the Banking Committee is doing this primarily because he is the chairman of the Republican Senatorial Campaign Committee, which is designed to collect money and make a lot of hoopla to try and elect Republicans. Well, that is the job of the Republican Senatorial Campaign Committee, and we have a Member on this side who does the same thing.

But some have said—not this Senator—some have said one of the main reasons that the chairman of the Banking Committee, who is simultaneously chairman of the Republican Senatorial Campaign Committee, is doing this and wants more taxpayer money to continue the investigation forever and forever and forever, as near as I can tell, is he wants to continue it at least until after the November elections, because some have said—not this Senator—that the chairman of the Banking Committee wants to do this for political reasons. He thinks it will help elect Republicans.

Now remember, I did not say that, but I guess other people have. Whether that is true or not, I voted for the money for the special prosecutor to investigate Whitewater. I voted in support of and provided a vote to provide the money to the Banking Committee to do their investigation. I had assumed that it would not take longer than it took to investigate other matters, such as Iran-Contra, but it has for whatever reason. Now the chairman of the Banking Committee wishes to go on and on and on.

I simply say that I do not believe this committee going on and on and on, spending more of the taxpayers' money is going to amount to any more than it has already. The special prosecutor is continuing, the special prosecutor is the place to bring charges if anyone before the Banking Committee has committed perjury, as was indicated by the dog-and-pony show tonight. If they committed perjury, they should be prosecuted, and if they are found guilty, they should stand whatever the sentence in court should be.

I simply say that I think it is far past time for this committee to have made its report, but in the good nature that I think has always embodied me, I suggested to the ranking Democrat, the Senator from Maryland, who is on the floor, what, 2 months ago, 3 months ago—I do not know what it was—when the chairman of the Banking Committee was beginning to talk about the necessity to extend this date beyond the expiration date of yesterday and wanted $200,000 or $300,000 more of taxpayers' money to get the job done, I said, ''I'm not for that at all. I think they should be called upon to wind up their inquiry and make their report to the U.S. Senate.''

But I said in the spirit of compromise, since the chairman of the Banking Committee says he wants more time and he needs more time, I would, against my better judgment say, ''All right, let's give them another 30 days, until the 28th of March, and $90,000,'' or whatever it takes to wind this up and then set a date for the report no later than 30 days after that, so that we can get on with this matter. I remember very well the ranking Democrat at that time thanking me for that suggestion.

We have now come to the place, while I can assure the Senate that the vast majority of the Democrats in this body—and there are 47 of us—the vast majority of them are against any extension period beyond the expiration date of the committee of yesterday.

But it has been talked over and it was agreed, in an effort to come to some kind of a compromise, that we do not want to filibuster, we do not think a filibuster is necessary.

Following up on what Senator DOMENICI suggested on the floor of the Senate, why do we not have the majority leader, Senator DOLE, and the minority leader, Senator DASCHLE, get together tomorrow and make a decision, a reasonable decision, along the lines that Senator DOLE suggested back under the Iran-Contra affair?

At that time, the Democrats were the conspirators. They were the ones who wanted to continue this discussion. Senator DOLE suggested that we should not go on with Iran-Contra forever. It was causing problems for the President of the United States who, at that time, was a Republican. Believe it or not, Mr. President, the Democratic majority at that time said, ''Senator DOLE, you're right. You're making sense. You're trying to be reasonable, Senator DOLE.''

What we are asking for at the present time, and taking up on the public expression and request by my friend and colleague from New Mexico, it is time for the two leaders to get together. It is time to end the dog-and-pony show. It is time to come to a definite timeframe—30 days, *x* amount of money, whatever is necessary—to wind up this investigation, and then anything further that is done beyond that, as it should be, would be accomplished by the special prosecutor.

If we end the investigation by the Banking Committee tonight, the special prosecutor is still there with full subpoena powers and the authority of a prosecutor to bring charges for anything that he thinks needs to be raised in the courts.

I simply say, Mr. President, that I hope we will take the wise counsel offered by the Senator from New Mexico, my friend, Senator DOMENICI, and resolve this matter tomorrow and get on with the business of the U.S. Senate.

I thank the Chair, and I yield the floor.

EXTENDING WHITEWATER INVESTIGATION

Ms. MIKULSKI. Mr. President, yesterday we returned for the last session of the 104th Congress to complete the Nation's business. We returned so that we could attempt to reach a bipartisan agreement on welfare reform. We returned to continue debating the future of Medicare. We returned so we could end the budget impasse. We returned so that we could face the legislative challenges before us and not let the American people down.

I'm sad to say, we are not doing these important things. We are not serving the American people by working on the things that affect their day to day lives. Instead, we are debating whether

to extend the Senate Committee's investigation into Whitewater indefinitely and if an additional $600,000 for the investigation should be provided.

I oppose this attempt to extend the hearings indefinitely. The Senate has already spent $950,000 on 277 days of Whitewater investigation, heard from more than 100 witnesses, and collected more than 45,000 pages of documents. Enough is enough.

Let me tell you what I support. I support Senator DASCHLE's proposal to complete the task at hand by extending the hearing until April 3, 1996, with a final report due on May 10, 1996. I also support letting the Independent Counsel do his work. Three federal judges have given him the job of investigating Whitewater and all related matters. He has more than 130 staff members helping him. There is no time limit or spending cap on his investigation, so he will be able to gather facts in a systematic and unencumbered way and to investigate Whitewater thoroughly. The results of his investigation will be made public. If the Independent Counsel finds wrongdoing, he has the authority to bring any lawbreakers to justice. By permitting him to do what none of us can do and what none of us should be doing, we will get a complete rendering of the facts. That's the right thing to do. That's what I support.

What I don't support is using Senate committees to play Presidential politics. The goal of this proposed extension is very clear. It's about Presidential politics. And, it's about vilifying Mrs. Clinton in the name of Presidential politics. This attack on her is unprecedented. She has voluntarily answered questions on four occasions from the Grand jury and on three occasions in interviews for the Grand jury, numerous written questions, and she has been cooperative with the committee. I know her personally. Like many others across the Nation, I have deep admiration and respect for her.

Like so many other American women she has struggled to meet the demands of both a career and a family. She is dedicated to her family and she is a dedicated advocate for children. For more than 25 years she worked on behalf of children and families which she discusses in her book ''It Takes a Village''. In ''Village'', Mrs. Clinton shares with the public her passion, conviction, and insight, gleaned from her experience as a mother, daughter, advocate, attorney, and First Lady.

Mrs. Clinton has truly inspired a generation of men, women and children. She has worked to raise her own family and she has worked to protect a generation of children. So I don't support extending the Senate committee's investigation into Whitewater.

We should not ask taxpayers to continue subsidizing this round of Presidential politics and this attack on Mrs. Clinton. Instead, I say, let's get on with the business of this country and its citizens. The Senate committee should finish its investigation immediately, write its report, and let the American people hear what the committee has to say. I believe the Senate should get back to the job we were elected to do. Get back to meeting the day to day needs of the American people. The American public deserves our full attention.

WHITEWATER

Mr. SARBANES. Mr. President, I listened with great interest while my colleague, the distinguished Senator from New York, and his colleagues went on for some length, and I do not intend to match that length at this hour. I do not think that is really necessary, but there are some matters that I think ought to be reviewed with respect to this Whitewater matter.

First, a great deal is being made about these documents that appear, as though it is a nefarious plot. I understand that people like to attach sinister intentions, but the explanation for it may be far more innocent than that. And I really want to include in the RECORD an article that appeared a few weeks ago in the New York Times by Sidney Herman, a former partner of Kenneth Starr. Let me quote from it:

> Documents that are relevant to an investigation are found in an unexpected place 6 months after they were first sought. A shocking development? Absolutely not. In most major pieces of litigation, files turn up late. One side or the other always thinks of making something of the late appearance. But these lawyers know the truth. It could just as easily happen to them. Despite diligent searches, important papers in large organizations are always turning up after the initial and follow-up searches.

Later on he goes on to say:

> My former partner, Kenneth Starr, knows all this. As independent counsel in the Whitewater investigation, he will take it into account. But the American people have no reason to know that this is a normal occurrence. It is not part of their every-day experience. Reporters really do not have any reason to know this either, or they may know and simply choose to ignore it.

Now, Mr. President, I ask unanimous consent that article be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SARBANES. I place it in the RECORD simply to make the point, as the article does, that the appearance of documents a considerable period of time after they have been requested is, in fact, not a shocking development. This goes on all the time, as anyone involved in litigation or document requests well knows.

In each instance, of course, one has to judge the explanation for the late-appearing documents with respect to their plausibility, but as I indicated when we were discussing Mr. Gearan earlier, his explanation, I thought, was very straightforward. He said by mistake these had been packed into a box he took with him to the Peace Corps. He thought they had remained at the White House where the White House counsel could go through them and provide responsive matters to the committee. It was only by chance that these documents, then, were later discovered in that box that had been sent over to the Peace Corps and then were put back into the loop so that they eventually came to the committee.

A great to-do is made of the fact that if you have a fixed date for ending, you will not get the documents, and that to-do is made over documents that we have gotten. I find it incredible—in other words, these documents are furnished to us and then an argument is made if you have a fixed date—as we did, the date of February 29—you will not get the documents. I do not know how you square the two. We get the documents. They are provided to us. Then the assertion is made if you have a fixed date you will not get the documents. We have a fixed date. We got the documents. The people provided them to us in response to the request. I do not understand that argument. Obviously, logically, it does not hold together.

Now, the issue here is essentially the difference between the request of my colleague from New York, Chairman D'AMATO, for an open-ended extension of this inquiry, and the proposal put forth by Senator DASCHLE for an extension until April 3 for hearings and until May 10 to file the report.

When this resolution was first passed, it was passed on the premise that there would be an ending date, February 29, and the rationale advanced in part for that ending date was to keep this matter out of the Presidential election year and therefore avoid the politicizing of these hearings and the erosion of any public confidence in the hearings because of a perception that they were being conducted for political reasons.

I listened with some amazement earlier as the Washington Post editorial was cited by my colleagues on the other side of the aisle in support of their position for an unlimited extension. Now, that is the position, and I recognize it, of the New York Times. I recognize that the New York Times' posture is for an indefinite extension; but the Washington Post, which was also cited in support, said today, very clearly, ''The Senate should require the committee to complete its work, produce a final report by a fixed date.''

Now, they question the dates that we put forward as perhaps being too short a period. They said a limited extension makes sense but an unreasonably short deadline does not. They said 5 weeks may not be enough time. They suggested maybe there should be a little extra time, running in the range of through April or early May. In other words, a few more weeks beyond what the leader has proposed in the alternative, which my distinguished friend from Nebraska has suggested was a possible way of approaching this matter.

In any event, so that readers of the RECORD can judge for themselves, I ask unanimous consent that this Washington Post editorial entitled ''Extend But With Limits,'' and which contains as I said the sentence, ''The Senate should require the committee to complete its work and produce a final report by a fixed date,'' which editorial has been used by some in support of an indefinite extension—for the life of me I cannot understand how one can do that, can make that argument. I ask unanimous consent that editorial be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. SARBANES. Mr. President, I want to point out with respect to both the Gearan and Ickes notes, because the point was raised that we have these notes and we got them late in the day. The fact is the committee held a full day of hearing with Mr. Gearan and a full day of hearing with Mr. Ickes with respect to their notes. There was an opportunity to examine their notes, see the contents of their notes, bring them in before the committee, and have a hearing with respect to them.

The White House has, in effect, now responded to every request of the committee. We have some e-mails to be obtained, but that is almost completed. I outlined earlier the difficult problems that were associated with the e-mails. First of all, the extraordinary and onerous breadth of the committee's request and the fact that the Bush administration had put in a procedure, a process at the White House that made the recovery of those e-mails extremely difficult. The White House finally had to bring in a consultant, and they are expending hundreds of thousands of dollars in order to provide those e-mails. The ones that have been provided thus far, the weeks covered, have not produced anything. That is in a very real sense a fishing expedition. It has not produced anything thus far.

Now, Mr. President, a lot has been made of citing the book by Senator Mitchell and Senator COHEN with respect to having a firm deadline and their feeling that the Iran-Contra inquiry would have worked better without a firm deadline. Of course, as my colleague from Connecticut pointed out earlier, there has been no inquiry conducted in the Senate without a firm deadline. This is an entirely new and different precedent that was going to be established.

Let me just quote from their book:

> At the time, the setting of a deadline for the completion of the committee's work seemed a reasonable and responsible compromise between Democratic members in both the House of Representatives and the Senate who wanted no time limitation placed upon the committee, and Republican Members who wanted the hearings completed within 2 or 3 months.

As an aside, I may note that probably the strongest advocate of a time limitation for the committee's work was the then-minority leader, Senator DOLE. Time and time again he took the floor to argue that very strenuously, did the same thing in the meetings that were being held between the leadership to work out how that inquiry would be done, and did, in fact, press for a timeframe at one point of only 2 or 3 months, as this book indicates.

Now, the book then goes on to say, and I am now quoting it again:

''It escaped no one's attention that an investigation that spilled into 1988 could only help keep Republicans on the defensive during an election year. Both Inouye and Hamilton recommended rejecting'' and I underscore that. ''rejecting the opportunity to prolong, and thereby exploit President Reagan's difficulties, determining that 10 months would provide enough time to uncover any wrongdoing.''

I want to underscore to this body that the Democratic leadership of the Congress, as that book states, Chairman HAMILTON from the House and Chairman INOUYE from the Senate, agreed to a defined timeframe as the minority leader, Senator DOLE, had pressed for very, very hard. And, of course, the reason was to keep it out of the 1988 Presidential election year and, therefore, not turn the inquiry into a political football.

That was the thinking here last year when we passed Senate Resolution 120 with an ending date of February 29, 1996, which is where we find ourselves now. That was the thinking. And many of us have taken the view, and I hold to it very strongly, that extending the inquiry deep into a Presidential election year will seriously undermine the credibility of this investigation and create a public perception that this investigation is being conducted for political purposes. I think that is clearly happening, and I think the effort to have the inquiry continue on through the Presidential election year will contribute to that.

I was very much interested in an editorial that appeared in U.S. News & World Report on January 29, by its editor in chief, Mortimer Zuckerman.

I ask unanimous consent that editorial be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. SARBANES. In the course of it he says, and let me just quote it:

> It would be foolish to expect a congressional investigation to be above politics. But at what point, in a decent democracy, does politics have to yield to objectivity? At what point does rumor have to retreat before truth? In Whitewater that point would seem to have been reached when we have had an independent, exhaustive study of the case under the supervision of a former Republican U.S. attorney, Jay Stephens.

Of course, he is referring there to the study that was commissioned by the RTC, from the Pillsbury, Madison, Sutro law firm.

He goes on a little later in that editorial to say:

> That official report is in, but hardly anyone who has been surfing the Whitewater headlines will know of it. It has been ignored by both the Republicans and a media hungry for scandal. The Stephens report provides a blow-by-blow account of virtually every charge involved in the Whitewater saga. Let us put the conclusions firmly on the record. The quotes below are directly from the Stephens report.

And he then goes through questions that were raised about various activities and the conclusions of the report. And then goes on to say:

> The report concludes: On this record there is no basis to charge the Clintons with any kind of primary liability for fraud or intentional misconduct. This investigation has revealed no evidence to support any such claims. Nor would the record support any claim of secondary or derivative liability for the possible misdeeds of others.
>
> Stephens's firm—Pillsbury, Madison & Sutro—spent two years and almost $4 million to reach its conclusions and recommended that no further resources be expended on the Whitewater part of this investigation.

Pillsbury, Madison actually asked for a tolling agreement from the Rose Law Firm at the end of December, because of some new material that had come out. And then subsequent to that we received the billing records of Mrs. Clinton from the Rose firm. Other matters came of public record, and they examined all of those before they submitted their final report, which has just come in today. In that report they conclude, as they had concluded earlier, that there was no basis on any of the matters they investigated—and they went carefully through quite a long litany of them—

> . . . no basis on which to charge the Clintons with any kind of primary liability for fraud or intentional conduct, nor would the record support any claim of secondary or derivative liability for the possible misdeeds of others.

This report needs, obviously, to be carefully examined by my colleagues. It is a very important report; $4 million of public money was expended on it. And it reached the conclusions which I have just outlined.

Mr. President, I think the proposal that Senator DASCHLE has put forward is an eminently reasonable proposal. It is argued, on the one hand, we need even an indefinite time because we need to get more material. The material has now all come—an extraordinary request for material, some of it delayed, in my judgment, because of how far-reaching and onerous the document requests were. Other items were delayed because people misplaced them, did not find them. They have now been provided to the committee.

The other argument that is made, which is an interesting argument given the record of this committee, is that we now need to await the trial in Arkansas. It was recognized in Senate Resolution 120 that the independent counsel was already at work, and it was never anticipated that the committee would defer its work to the independent counsel in such a way as to go beyond the February 29 deadline.

In fact, when the independent counsel in September of last year indicated to the committee to forbear until some unspecified time any investigation and public hearings into many of the matters specified in Senate Resolution 120, we rejected that in a joint letter which Senator D'AMATO and I sent to Mr. Starr. We stated:

We have now determined that the special committee should not delay its investigation of the remaining matters specified in Senate Resolution 120.

We went on to say:

We believe that the concerns expressed in your letter do not outweigh the Senate's strong interest in concluding its investigation and public hearings into the matters specified in Senate Resolution 120 consistent with section 9 of the resolution.

Section 9 is the provision of the resolution which called for the February 29 concluding date for the work of this committee.

And we went on to say:

Accordingly, we have determined that the special committee will begin its next round of public hearings in late October of 1995. This round of hearings will focus primarily on the matters specified in section (1)(b)(2) of Senate Resolution 120, and through the remainder of this year the special committee will investigate the remaining matters specified in Senate Resolution 120 with the intention of holding public hearings thereon beginning in January 1996.

That was our position then. I thought it was a correct position. It was not anticipated that the committee would defer its work until after the independent counsel has pursued his trials. It is now said this trial. But he has other trials in the offing as well, all of which, of course, would serve to carry this inquiry on into infinity.

Just to underscore it with respect to Mr. Hale because we, the minority, have pressed repeatedly throughout for bringing Mr. Hale in, seeking through subpoena to obtain his documents—and that has consistently been delayed—this issue was considered at a hearing on the 28th of November, and Chairman D'AMATO said the following. I now quote:

I would like to bring him, Hale, in sooner rather than later so that he can testify and so that he can be examined. If we drag this, if this matter is dragged out into February or later, I believe legitimate questions can be raised as to why bringing him in so late and getting into next year and the political season—and I think that is a very legitimate concern of this committee—both Democrats and Republicans and I would like to avoid that.

It certainly was a legitimate concern and the effort to press to move on the Hale matter never was realized. The minority staff continually sent memoranda to the majority about Hale and nothing was done about it. We now find ourselves finding this being used as an argument to defer the hearings to the other side of the trial. As I said, the trial is not going to be in secret. So the matters developed at the trial will be, I can assure you, on the public record and available to the public.

Many of the witnesses sought have indicated they will take the fifth amendment. And there is every reason to assume that they will continue to do so. So then they are not going to become available to the committee in any event. And the committee has to do its work and make its report.

We have taken an extraordinary number of depositions. Much of what we are now looking at, which involves matters that occurred in Arkansas 10 and 15 years ago, had been covered voluminously in the press. I am really almost staggered by the fact that we hold a hearing and then it is asserted, well, new revelations came out at this hearing. We held a hearing with Ickes. And everyone said, ''My goodness, we have discovered that a special team was set up in the White House to deal with the Whitewater matter in January of 1994.'' A newspaper account in early January of 1994 states that a special team under the direction of Mr. Ickes was set up. So he comes in. We have these notes. He comes in and testifies. We have the situation in the committee where the establishment of this team and him as the head of it is considered as a new discovery when there is a newspaper story from 2 years earlier stating that such a team was being set up and that he would head it up.

Interestingly enough, the article that was written on the day after the hearing paralleled the article that was written 2 years earlier. The January 7th, 1994—not 1996, 1994—article in the Washington Post stated, and I quote:

With the start of the new year, the White House launched a major internal effort to fight back against mounting criticism of the way it has handled inquiries into President Clinton's Arkansas land investments. A high-powered damage control squad was appointed under the direction of new Deputy Chief of Staff, Harold Ickes, and daily strategy sessions began.

That is in 1994. Then we get notes from Ickes about a meeting of the special strategy session that he is heading up, and that is treated as though we discovered something new. In fact, the article reporting on the hearing paralleled the article written 2 years earlier.

That is what we have been going through; I mean a replowing of material that has already been available generally in the press and out to the public. In fact, the Atlanta Constitution in the editorial that my colleague, Senator PRYOR, cited of February 15 states:

The Senate's Watergate hearings of 1973 and 1974 were momentous delving into White House abuses of power and leading to the resignation of the disgraced President and the imprisonment of many of his aides. They lasted 279 days. Next week, Senator Alfonse D'Amato, Republican of New York and his fellow Whitewater investigators, will surpass that mark. Today is the 275th day, and they have nothing anywhere near conclusive to show for their labors. To put matters in context, all they have to ponder is a fairly obscure 1980's real estate and banking scandal in Arkansas. With the February 29th expiration date for the special panel staring him in the face, Senator D'AMATO has the effrontery to ask the Senate for more time and money to continue drilling dry investigative holes. Specifically, he wants open-ended authority and another $600,000. That is on top of $950,000 his committee has spent so far plus $400,000 that was devoted to a Senate Banking Committee inquiry into Whitewater in 1994. The partisan motives behind Senator D'Amato's request could not be more obvious.

They then go on along this vein.

They also make the point in concluding that the independent counsel will continue his investigation and, therefore, the legal and business affairs of the President and Mrs. Clinton will be scrutinized by the independent counsel.

This editorial actually called for ending on February 29 as the resolution provided. The distinguished minority leader has in effect come forward and said we will not press this immediate cutoff. We are prepared for the hearings to go on for a limited further period of time, and for a period of time after that in order to do the report. I think that is a very forthcoming proposal, and I very strongly commend it to my colleagues on the other side of the aisle.

Mr. President, I yield the floor.

EXHIBIT 1

[From the New York Times, Jan. 27, 1996]

DOCUDRAMA

(By Sidney N. Herman)

Documents that are relevant to an investigation are found in an unexpected place six months after they were first sought. A shocking development?

Absolutely not. In most major pieces of litigation, files turn up late. One side or the other always thinks of making something of the late appearance, but these lawyers know the truth: it could just as easily happen to them.

Despite diligent searches, important papers in large organizations are always turning up after the initial and follow-up searches. How many times have you looked for something on your desk and couldn't find it, only to have it appear right under your nose later? Happens all the time.

Indeed, as every litigator knows, there is nothing worse than having an important document show up late. You've only highlighted its absence for your opponent. If you know where it is, it is far better to include it in the initial delivery of relevant papers, where it gets mixed in with the rest of the morass. Why red-flag it by holding it back?

My former partner, Kenneth Starr, knows all this. As independent counsel in the Whitewater investigation, he will take it into account.

But the American people have no reason to know that this is a normal occurrence; it is not part of their everyday experience. Reporters really don't have any reason to know this either. Or they may know, and simply choose to ignore it.

Last summer, notes that were critical to the celebrated libel suit brought by Jeffrey Masson against the writer Janet Malcolm appeared in her private study, years after they were first sought. I recall that discovery being treated as an interesting happenstance, nothing more.

When documents show up belatedly, even in private quarters, there is simply nothing unusual about it.

EXHIBIT 2

[From the Washington Post, Feb. 29, 1996]

EXTEND, BUT WITH LIMITS

We noted the other day that the White House—through its tardiness in producing

long-sought subpoenaed documents—has helped Senate Banking Committee Chairman Alfonse D'Amato make his case for extending the Whitewater investigation beyond today's expiration date. If one didn't know any better, one might conclude that the administration's Whitewater strategy was being devised not by a White House response team but by the high command of the Republican National Committee.

However, despite the administration's many pratfalls since Whitewater burst onstage, Sen. D'Amato and his Republican colleagues have not provided compelling evidence to support the entirely open ended mandate they are seeking from the Senate. There are loose ends to be tied up and other witnesses to be heard, as Republican Sen. Christopher Bond said the other day. But dragging the proceedings out well into the presidential campaign advances the GOP's political agenda; it doesn't necessarily serve the ends of justice or the need to learn what made the Madison Guaranty Savings & Loan of Arkansas go off the tracks at such enormous cost to American taxpayers. The Senate should allow the committee to complete the investigative phase of its inquiry, including a complete examination of the Clinton's involvement with the defunct Whitewater Development Corp. and their business relationships with other Arkansas figures involved in financial wrongdoing. But the Senate should require the committee to complete its work and produce a final report by a fixed date.

Democrats want to keep the committee on a short leash by extending hearings to April 3, with a final report to follow by May 10. A limited extension makes sense, but an unreasonably short deadline does not. Five weeks may not be enough time for the committee to do a credible job. Instead, the Senate should give the committee more running room but aim for ending the entire proceedings before summer, when the campaign season really heats up. That would argue for permitting the probe to continue through April or early May.

What the Senate does not need is a Democrat-led filibuster. Having already gone bail for the Clinton White House, often to an embarrassing degree, Senate Democrats would do themselves and the president little good by tying up the Senate with a talkathon. Better that they let the probe proceed. Give the public some credit for knowing a witch hunt and a waste of their money if and when they see one. And that, of course, is the risk Sen. D'Amato and his committee are taking. The burden is also on them.

EXHIBIT 3

[From the U.S. News & World Report, Jan. 29, 1996]

THE REAL WHITEWATER REPORT

(By Mortimer B. Zuckerman)

Have you no sense of decency, sir, at long last? Have you left no sense of decency? Forty years ago, Joseph Welch, a venerable Boston lawyer, thus rebuked Joe McCarthy in the Army-McCarthy hearings and stopped his reckless persecution of a naive but innocent young man. How one longs for a Joseph Welch to emerge in the middle of the extraordinary affair now known as Whitewater! The parallels between Sen. Alfonse D'Amato's investigation of a land deal in Arkansas and McCarthy's investigation of communism in the Army are hardly exact, but there is an uncanny echo of 1954 in the fever of political innuendo we are now experiencing and in the failure of an excitable press to set it all in proper perspective. Then, as now, the public found itself lost in a welter of allegation, reduced to mumbling the old line about ''no smoke without fire.''

It would be foolish to expect a congressional investigation to be above politics. But at what point, in a decent democracy, does politics have to yield to objectivity? At what point does rumor have to retreat before truth? In Whitewater that point would seem to have been reached when we have had an independent, exhaustive study of the case under the supervision of a former Republican U.S. attorney, Jay Stephens, a man whose credibility is enhanced by the fact that he was such a political adversary of the Clintons that his appointment provoked Clinton aide George Stephanopoulos to call for his removal. Yes? No. That official report is in, but hardly anyone who has been surfing the Whitewater headlines will know of it. It has been ignored by both the Republicans and a media hungry for scandal. The Stephens report provides a blow-by-blow account of virtually every charge involved in the Whitewater saga. Let us put the conclusions firmly on the record. The quotes below are directly from the Stephens report.

Question 1: Were the Clintons involved in the illegal diversion of any money from the failed Madison Guaranty Savings & Loan, either to their own pockets or to Clinton's 1984 gubernatorial campaign? ''On this record, there is no basis to assert that the Clintons knew anything of substance about the McDougals' advances to Whitewater, the source of the funds used to make those advances, or the source of the funds used to make payments on bank debt. . . . For the relevant period (ending in 1986), the evidence suggests that the McDougals and not the Clintons managed Whitewater.''

Question 2: What of money diverted to the campaign? No evidence has been unearthed that any campaign worker for Clinton knew of any wrongdoing pertaining to any funds that might have come out of Madison into Clinton's campaign.

Question 3: Did taxpayers suffer from Whitewater through Madison's losses on the investment? No. Whitewater did not hurt Madison, the possible exceptions being a couple of payments involving James and Susan McDougal. The report says the Clintons knew nothing about the payments.

Question 4: Did the Clintons make any money? The report says they did not; instead, they borrowed $40,000 to put into Whitewater and lost it.

Question 5: What of the charge from David Hale, former municipal judge and Little Rock businessman, that Bill Clinton pressured him to make an improper Small Business Administration loan of $300,000 to Susan McDougal? As to the $300,000 loan to Mrs. McDougal, ''there is nothing except an unsubstantiated press report that David Hale claims then-Governor Clinton pressured him into making the loan to Susan McDougal.'' The charge lacked credibility in any event. It was made when Hale sought personal clemency in a criminal charge of defrauding the SBA.

What's left? Nothing. The report concludes: ''On this record there is no basis to charge the Clintons with any kind of primary liability for fraud or intentional misconduct. This investigation has revealed no evidence to support any such claims. Nor would the record support any claim of secondary or derivative liability for the possible misdeeds of others.''

Stephen's firm—Pillsbury, Madison & Sutro—spent two years and almost $4 million to reach its conclusions and recommended ''that no further resources be expended on the Whitewater part of this investigation.'' Amen.

So when you cut through all the smoke from D'Amato's committee and almost hysterical press reports such as those emanating from the editorial page of the Wall Street Journal, what you have is smoke and no fire. No Whitewater wrongdoing to cover up, no incriminating documents to be stolen, no connection between the Clintons and any illegal activities from the real-estate business failure and the web of political and legal ties known as Whitewater.

But wait. What about the time sheets showing the amount of legal work that Hillary Clinton performed for the failed S&L? Surely we have some flames there? Again, no. Her role, says the Stephens report, was minimal. Mrs. Clinton did perform real-estate work in 1985 and 1986 pertaining to an option for about 2 percent of the land, but as the report says, that was at most related only tangentially to the acquisition itself. Mrs. Clinton did not play a legal part in the original acquisition of the land, known as castle Grande, although the Rose Law Firm did. Both sides pointed out that the principals, as opposed to the lawyers, put together the deal. The lawyers did only the scrivener work, and if this transaction was a sham, there is ''no substantial evidence that the Rose Law Firm knowingly and substantially assisted in its commission.''

As for the option, the report says there is no evidence that Mrs. Clinton knew of any illegalities in this transaction: ''The option did not assist in the closing of the acquisition. It . . . was created many months after the transaction closed. The option . . . does not prove any awareness on the part of its author of Ward's [Madison's partner] arrangements with Madison Financial. . . . While Mrs. Clinton seems to have had some role in drafting the May 1, 1986, option, nothing proves that she did so knowing it to be wrong, and the theories that tie this option to wrongdoing or to the straw-man arrangements are strained at best.''

Rep. James Leach's spokesman asserts that Hillary Clinton's minimal work on the option put her ''at the center of a fraudulent deal,'' and D'Amato says that her billing records show tremendous inconsistencies with her previous statements on the time she spent on Whitewater. Fraud? The only fraud lies in these congressional statements; they are a political fraud on a credulous public. On the role of real-estate lawyers, I must endorse the Stephens judgments here from my personal business experience of thousands of real-estate transactions. Never, not once, have my lawyers drawing up legal documents determined the business terms or the appropriateness of the price.

It is appalling that the smoke and smear game has been played so long by the Republicans and the media that everyone is tagged with some kind of presumption of guilt rather than a presumption of innocence. The double standard of judgment is well illustrated by the performance of those standard-setting newspapers, the New York Times and the Washington Post. The Times originally broke the Whitewater story on its front page with a jump to a full inside page. What did it do with Stephens's report? Ran it on Page 12, in a 12-inch story. The Post's priorities were so distorted that it mentioned the findings in only the 11th paragraph of a front-page story devoted to a much less important Whitewater subpoena battle. Most other major papers ran very short stores on inside pages, and the networks virtually ignored the report.

The press has slipped its moorings here. It seems to be caught in a time warp from the Nixon-Watergate era. The two questions then—what did the president know and when did he know it?—were at the very heart of the matter. The two questions now—what did the president's wife know and when did she know it?—seem a childish irrelevance by comparison. The time, money, and political energy spent barking up the wrong tree are

quite amazing. The press gives the impression that it has invested so much capital in the search for a scandal that it cannot drop it when the scandal evaporates. The Republicans give the impression that if one slander does not work, they will try another. No wonder the nation holds Congress, the White House and the media in such contempt; the people know that the press seems to be acting like a baby—a huge appetite at one end and no sense of responsibility at the other.

We have a topsy-turvy situation here. The Republicans win the case on merit over balancing the budget but are losing it politically on the basis of public perception. The Clintons have the better case on Whitewater but are losing it politically because of smear and slander, a situation compounded by their defensive behavior. The media seem unwilling to focus on the substance of either issue. So much for a responsible press!

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

EUROPEAN ARMIES DOWNSIZE

Mr. WARNER. Mr. President, I read with great interest an article in the Washington Times a few days ago. I ask unanimous consent to have it printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Times, Feb. 26, 1996]

EUROPEAN ARMIES LOSE SIZE, EFFICIENCY

CONSCRIPTION NOT WORKING; ALL-VOLUNTEER TOO EXPENSIVE

(By John Keegan)

LONDON.—The state may not be withering away, as Karl Marx predicted it would, but Europe's armies are.

Only seven years ago, Europe was awash with combat units. Now they are so thin on the ground that governments can scarcely meet their military commitments. And the situation is getting worse.

The problem is conscription. Young Europeans do not want to perform military service, even for as little as a year, now the norm.

Paradoxically, the generals are not keen on conscription either. As a result, the big armies, such as those of France and Germany, are planning either to increase the proportion of volunteers or to scrap conscription altogether.

France announced Thursday the most sweeping changes in its military since it developed nuclear weapons nearly 40 years ago, saying it will shrink its armed forces by one-third in six years and eliminate the draft. The French want a force of 350,000 by 2002, all of it volunteer.

Smaller armies in Europe have taken similar steps. The Netherlands will call up no new conscripts and release all those in service by Aug. 30. Belgium stopped conscription in 1993. Austria, not part of NATO, is talking of substituting an armed police for its army.

In the former Soviet bloc, the situation is confused at best, chaotic at worst.

Russia's problem is that young men of military age do not report for the call-up. In some military regions, the proportion of those who do is as low as 10 percent, and they tend to be unqualified—often dropouts who cannot find a place in the new free-enterprise economy. That does much to explain the poor performance of Russian units in Chechnya.

The Russian army has been humiliated by the collapse of the Soviet empire, of which it was the guardian. Russian officers resent the dimunition of national power as much as they are frustrated by the drop in their units' ability to perform. Inefficiency is so glaring that self-appointed volunteer formations, often calling themselves ''Cossacks,'' are springing up.

Military disgruntlement in circumstances of political weakness always bodes ill. The need to put the former Soviet armed forces on a proper footing is now urgent.

Poland, where the army is a revered national institution, still operates a successful conscription system. Neighboring states, such as Belarus and Ukraine, are laboring to decide what sort of army they want. They look to the West for advice.

The British Defense Ministry held a conference in London last year to explain the options to them. The British model of all-''regular''—that is, career or volunteer—forces is much admired, but is too expensive for many. Conscription staggers on but does not produce combat units worth the money they cost.

The crisis in France and Germany is of a different order.

Conscription in France, since the French Revolution, has always been given an ideological value. Military service, the French believe, teaches the ''republican virtues'' of equality and fraternity, besides patriotism and civic duty.

There have been ups and downs in the system: exemptions for the well-educated, substitution for the rich. Since 1905, however, all fit young Frenchmen have had to serve a year or two in the ranks.

The logic is different from that held by Britons, who pine for the days before 1961, when conscription was abolished. They see it as a recipe for an end to inner-city hooliganism. In France it has a higher motive. Military service makes Frenchmen into citizens.

In Germany, conscription also acquired an ideological justification in the post-Hitler years.

Under the kaiser, it was intended to produce the biggest army in Europe, but also to make German youth respectful of their betters and obedient to all authority. The imperial officer corps took trouble to see that their authority was obeyed. Regular officers remained a caste apart from civilians, even under Hitler.

When postwar West Germany rearmed, its democratic government harbored understandable fears of creating such an office corps again. It saw in conscription a check against military authoritarianism. Conscripts were guaranteed their civil rights, military law was abolished, and conscientious objection was made easy.

Too easy, it has proved.

More than half of the 300,000 annual conscripts now opt for alternative, non-military service. There are simply not enough men to keep units up to strength.

What makes things worse is that Chancellor Helmut Kohl, with his passion for European integration, is pushing for more inter-allied units, with Germans serving beside French, Spanish and Belgian soldiers.

Spain retains conscription, though the short term of service makes its army of little use. If French and Belgian troops are to be regulars in the future, the difference in quality between them and their German and Spanish comrades-in-arms will become an embarrassment.

The solution may be to make all soldiers regulars, to go for what Europeans increasingly call ''the British system.'' The problem is cost.

Regulars are at least twice as expensive as conscripts, requiring either a bigger defense budget or smaller armed forces. No one wants to spend more on defense, particularly when social budgets are crippling national economies. It seems inevitable, therefore, that armies must grow smaller but become all-regular if they are to meet international standards of efficiency.

The French appear to have accepted that logic.

President Jacques Chirac is about to be advised that France should withdraw the 1st Armed Division, its main contribution to the Franco-German Eurocorps, from Germany and disband several of its regiments, together with many others in metropolitan France. The army would be halved.

That may make good military sense, but it is likely to cause a political storm. Democratic France, like Germany, harbors suspicions of regular forces. They are thought to be anti-popular and all too readily turned against elected governments.

French history, like Germany's makes such fears realistic.

Napoleon III came to power through a military coup mounted with long-service troops. Charles de Gaulle faced another coup mounted by the Foreign Legion in Algeria. The Foreign Legion has never been allowed to serve in mainland France during peacetime because of fears about its loyalty.

In Germany, which already has some all-regular units, the public is probably no more ready to face a transition to the British system than is Mr. Kohl. The paradoxical outcome may be to leave Germany with the least efficient of armies among major European states.

German generals, who increasingly count on existing all-regular units to fulfill their NATO commitments, will not be pleased. They are likely to press for an end to conscription but unlikely to get it.

The difficulties involved in a change from conscript to regular forces are not easily understood in Britain, nor is the political debate it causes. The British take their system, together with the political stability of their armed forces, for granted.

What is not perceived is that such stability is the product of 300 years of unbroken constitutional government, during which the officer corps has completely integrated with civil society. There is, indeed, no ''officer corps'' in Britain, where soldiering is seen as a profession akin to others.

In Germany and France, with their different traditions, it may not take 300 years to change the relationship between army and society, but it will still take some time. In the former Soviet bloc, time may not be on the military reformers' side.

Mr. WARNER. Mr. President, this article was written by John Keegan of the London Daily Telegraph in which he stated the historical perspective of how the principal European nations and Great Britain have, through the years, raised their Armed Forces, and how the future portends that they are going to depart from these time-honored methods, and, as a consequence, the likelihood of their level of manpower could significantly drop in the coming years.

I promptly sent a letter to the Secretary of Defense, the Honorable William J. Perry, addressing my concerns.

The letter said:

DEAR MR. SECRETARY: I want to bring to your attention the enclosed article, ''European Armies Lose Size, Efficiency,'' which appeared in the ''Washington Times'' on February 26.

According to this article, European nations—many of which are Members of

NATO—are in the process of dramatically reducing the size of their ground forces. Such developments could have adverse consequences for the future of NATO, and require ever-increasing U.S. military contributions to the Alliance to compensate for European shortfalls. In such developments continue, NATO's ability to fulfill its commitments under Article 5 of the ''NATO Charter'' could be called into question.

As Chairman of the AirLand Forces Subcommittee of the Armed Services Committee—the Subcommittee with primary jurisdiction over NATO and the European Command—I will need information from the Department of Defense in order to assess the impact on the United States of the issues raised in the enclosed article. In particular, I am concerned about the long-term plans for meeting our NATO commitments in light of the reductions planned by our European allies; the need for increased U.S. military contributions to the Alliance to offset the European reductions; and the adequacy of current U.S. force structure planning to meet our NATO commitments in light of these changes.

During a time when NATO expansion is being actively considered, by some, these issues must be thoroughly examined. I ask that you provide your assessment as soon as possible in order for my Subcommittee to incorporate this information into its upcoming budget review and schedule of hearings. I am hopeful your reply will be detailed, as I view the representations in this article with deep concern.

SENATOR THURMOND APPOINTS ROMIE L. BROWNLEE AS NEW SENATE ARMED SERVICES COMMITTEE DIRECTOR

Mr. WARNER. Mr. President, I compliment the chairman of the Armed Services Committee, Senator THURMOND, for his selection of Col. Les Brownlee as the new staff director of the Armed Services Committee. Colonel Brownlee has served me with extraordinary professionalism for 12 years. He brings to this position a record of significant achievement as a highly decorated career military officer for his valor in combat, service with the Army Secretariat, special assistant to the undersecretary of the Army, and many other qualifications.

I wish to compliment the chairman for the selection of Colonel Brownlee, who, although he has been in my employ, so to speak, for a dozen years, now will owe his total allegiance to the chairman and all other members of the committee. I was so pleased when Chairman THURMOND consulted me on this nomination that he had in mind some days ago. Of course, I strongly recommended Colonel Brownlee, and I am pleased that the chairman did select him from the strong field of candidates to become the staff director.

Colonel Brownlee is well known throughout the Senate and the staffs. He has worked here by my side and by the side of many others, including Senators Tower, Goldwater, NUNN, and many members of the committee, in the preparation of our legislative responsibilities, which have been discharged here on the floor through these many years. I would like to think that the men and women in the Armed Forces on active duty today, and, indeed, the retired military, will receive with pride the news that one of their own, one who has distinguished himself so well in uniform, as well as in service to the committee, has been selected to this very, very important post.

I add, Mr. President, the fact that while Colonel Brownlee had not in any way actively looked at outside opportunities because he is a strict adherent to the rules of conflict of interest here, it was clear to me in our conversations that, in all probability, having spent 12 years on the committee and having many years before him of useful and productive life, thoughts were given to the more lucrative opportunities that are frequently offered by the private sector. But he clearly decided, once again, on the offer to serve his Nation, serve this Senate, and indeed serve the Armed Forces of the United States. The call came, and he responded unhesitatingly.

I ask unanimous consent that the press release accompanying the announcement by Chairman THURMOND be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THURMOND APPOINTS NEW SASC DIRECTOR

WASHINGTON, FEB. 27. 1996.—Chairman of the Senate Armed Services Committee Strom Thurmond (R–SC) today appointed longtime committee staff member Romie L. Brownlee as the new Staff Director for the Committee.

Brownlee, a retired Army Colonel, has worked on defense issues in the Senate since 1984, when he began his career in the Legislative Branch as a National Security Assistant to Senator John Warner (R–VA), and then joined the Committee in 1987 as the Deputy Staff Director for the Minority. Before being named Staff Director, Brownlee was responsible for handling issues related to the Army and Marine Corps land forces, Special Operations Forces, and drug interdiction.

''Les Brownlee is extremely well qualified to serve as Staff Director of the Senate Armed Services Committee, as he is a man with a keen intellect and proven abilities,'' said Thurmond. ''He is widely respected by senior members of the armed forces, by Senators serving on the Armed Services Committee, and by his fellow staffers. We are fortunate to have him as our new Director.''

A native Texan, Brownlee was commissioned a Second Lieutenant of Infantry following his 1962 graduation from the University of Wyoming. Brownlee served two tours in Vietnam, including one as a Company Commander with the 173rd Airborne Brigade. During his career, Brownlee earned a number of decorations including two Silver Stars, three Bronze Stars, and a Purple Heart. In subsequent years, Brownlee would hold postings that included serving as Commander of the 3rd Battalion, 36th Infantry, and at the Pentagon as the executive officer for the Under Secretary of the Army. He earned a Master's of Business Administration from the University of Alabama, graduated from the Army War College, is a distinguished graduate from the Army's highly demanding Ranger Course, and is an Honor Graduate of both the Infantry Officer Advanced Course, and the Command and General Staff College.

Brownlee is replacing retired Brigadier General Richard Reynard, who is resigning from his position as Staff Director to return to the private sector.

Mr. WARNER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NEW MEXICO, THE LAND OF ENCHANTMENT

Mr. DOMENICI. Mr. President, once again, 1 of our 50 is missing. If that seems like an enigmatic statement, bear with me a little longer. I have a story to relate to you that proves true once again the adage that truth is often stranger than fiction.

On Tuesday of this week one of my constituents, a man named Wade Miller, of Santa Fe, NM, called the Olympic ticket office in Atlanta, GA, in the United States—Atlanta, GA, USA. He was calling them to request tickets for the Olympics, I say to my friend from New York. Instead, imagine his surprise when he was told that since he was calling from New Mexico with his request, he would need to consult with the Mexican or Puerto Rican Olympic Committees in order to get tickets—not the Olympic office in Atlanta, which, I repeat, is in Georgia, USA.

Keep in mind that the area code for New Mexico is 505. The area code for Atlanta is 404. I checked it myself, and this does not register as an international call. If it was, my poor constituent, who argued with them for a half hour to 45 minutes trying to convince them that New Mexico was, indeed, in the United States, would have a real telephone bill. There was even some debate about old Mexico versus New Mexico. But when all was said and done they still told him that, no, you cannot buy any tickets from us. You have to get them from either the Mexican or Puerto Rican—they were not sure, I guess—Olympic office.

Finally, Mr. Miller produced a mailing address in Arizona and asked if his tickets could be mailed to that address. They established on the phone that yes, Arizona was in the United States and that tickets could be sent there. Alas, the identity crisis for New Mexico, USA, seems to continue. And while I'm pleased we could all agree that Arizona, our distinguished neighbor to our west, is a State, I must point out that New Mexico was actually a State even before Arizona, although not by much.

So, as the Senator from New Mexico—although I guess the Olympic Committee would simply call me a delegate, not a Senator—I must once more rise to refresh everyone's memory. New Mexico—that large span of land between the oil wells of Texas and the saguaros of Arizona—is in the United States. I flew home during the last recess and they did not book me on an

international flight, nor did I need to pass through customs on my way. And while my passport is in order, I can assure you I did not need it to land at Albuquerque International Sunport.

I might also remind the Senate, and also the Olympic organizers in Atlanta, that New Mexico was admitted to the Union as the 47th State in January 1912. It lies directly south of Colorado, east of Arizona, west of Texas, and north of the Mexican border. Let me repeat, north of the Mexican border. You may know it as one of the larger pieces in jigsaw puzzles of the United States.

In fact, New Mexico has one of the longest histories of any State in the Union, starting with our ancient Indian cultures, almost four centuries of Hispanic ancestry, and nearly 200 years of American settlement. It is a dramatic land of scenic vistas and 1.5 million proud citizens.

And let me remind the Olympic office that we had good reason to be proud during the last Olympics, for we had a great champion from New Mexico—Trent Dimas, who earned a gold medal in gymnastics. When Trent Dimas won this medal, it wasn't ''O Fair New Mexico,'' New Mexico's State song, that was played during the ceremony. They played the National Anthem of the United States—surely an indicator that even in the context of the Olympics, New Mexicans are proud U.S. citizens. And those New Mexican athletes who visit the State of Georgia this summer to attend the Summer Olympics will do so as citizens of the United States, cheering our other terrific American athletes.

Let me wrap up by assuring the Atlanta ticket office that we in New Mexico are well practiced in the use of U.S. currency. We, too, use the dollar and not the peso. We're also well accustomed to potable drinking water and to driving our cars on the right side of the road. And I can't even imagine that those unique Southern accents will give New Mexicans any trouble.

So today, I put a little note in Senator NUNN's and Senator COVERDELL's mailboxes, asking them if they would do us a favor in New Mexico and vouch for us to the Olympic Committee in Georgia—and I'm assuming that would be Georgia, USA, not Georgia, Russia. Perhaps they could each send a note to the good people of Georgia to remind them that New Mexico, the Land of Enchantment, is a State. No need to refer New Mexicans to any embassy, customs office, passport center, or currency exchange office. We're one of you.

THE TRAVIS LETTER

Mrs. HUTCHISON. Mr. President, this month marked the sesquicentennial of the end of the Republic of Texas.

But I rise this morning to celebrate the beginning of our Republic, not its end. One hundred sixty years ago Saturday, March 2, a band of Texans gathered in Washington-on-the-Brazos and declared our Independence from Mexico. Around them raged a fierce war for that Independence. I would like the Senate to remember the many brave Texans who gave their lives in that war as I read the last letter sent from the Alamo on February 24, 1836. In reading this letter, I continue a tradition begun by my late friend, Senator John Tower. Here then is the letter of Col. William Barrett Travis, from his fort at San Antonio.

To the people of Texas and all Americans in the world:

Fellow citizens and compatriots—I am besieged by a thousand or more of the Mexicans under Santa Anna. I have sustained a continual bombardment and cannonade for 24 hours and have not lost a man. The enemy has demanded a surrender at discretion, otherwise, the garrison are to be put to the sword, if the fort is taken. I have answered the demand with a cannon shot, and our flag still waves proudly from the walls. I shall never surrender or retreat. Then, I call on you in the name of Liberty, of patriotism and everything dear to the American character to come to our aid with all dispatch. The enemy is receiving reinforcements daily and will no doubt increase to three or four thousand in four or five days. If this call is neglected, I am determined to sustain myself as long as possible and die like a soldier who never forgets what is due his own honor and that of his country. Victory or death.

P.S. The Lord is on our side. When the enemy appeared in sight we had not three bushels of corn. We have since found in deserted house 80 to 90 bushels and got in the walls 20 or 30 head of Beeves.

William B. Travis.—The Alamo, February 24, 1839.

THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, 4 years ago I commenced these daily reports to the Senate to make a matter of record the exact Federal debt as of the close of business the previous day.

In that report (February 27, 1992) the Federal debt stood at $3,825,891,293,066.80, as of the close of business the previous day. The point is, the federal debt has escalated by $1,190,735,080,843.14 since February 26, 1992.

As of the close of business yesterday, February 28, 1996, the Federal debt stood at exactly $5,016,626,373,909.94. On a per capita basis, every man, woman and child in America owes $19,041.54 as his or her share of the Federal debt.

IMPORTED FOREIGN OIL BOX SCORE

Mr. HELMS. Mr. President, the American Petroleum Institute reports that for the week ending February 23, the United States imported 6,094,000 barrels of oil each day, a 6.5-percent increase over the 5,698,000 barrels imported during the same period 1 year ago.

Americans continue to rely on foreign oil for more than 50 percent of their needs, and there are no signs that this upward trend will abate.

According to the January 30, New York Times article ''Odds of Another Oil Crisis: Saudi Stability Plays a Large Role,'' Saudi Arabia, which sits on 25 percent of the world's proven oil reserves—that's approximately 260 billion barrels—is politically vulnerable. There is increasing tension between the Sunni majority and the Shiite minority; tensions within the royal family have been widely reported.

Mr. President, a power struggle could easily lead to violence with a disastrous effect on the price of oil. Of course, we all pray that Saudi Arabia remains stable, politically, economically, and otherwise. This is a concern that has bothered me for years.

Mr. President, I ask unanimous consent that the aforementioned article be printed in the RECORD at the conclusion of my remarks and, needless to say, I hope Senators and their staffs will heed the very explicit warning in it.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ODDS OF ANOTHER OIL CRISIS: SAUDI STABILITY PLAYS A LARGE ROLE

(By Agis Salpukas)

Oil Shock III. Could it happen again?

With supplies of oil plentiful and the price of gasoline, adjusted for inflation, as low as it was in the bountiful 1950's, the notion that the world will go through another spike in oil prices like those in 1973–74 and 1979 seems farfetched. And with Iraq apparently on the verge of re-entering the market, nothing is likely to change soon. Indeed, prices may fall for a while.

But some oil industry experts—worried that Saudi Arabia, the linchpin of the world oil market, may be more vulnerable politically than is generally believed—are raising the specter of an oil price surge for the first time in years.

The talk has intensified because of the possibility, remote as it may be, of a battle to succeed the ailing King Fahd between Crown Prince Abdullah, the King's half brother, and Prince Sultan, a full brother. Both men control large armies.

On Jan. 1, the 74-year-old King handed over authority to Crown Prince Abdullah, 72, for an unspecified time while he recovered from exhaustion. The Crown Prince, long designated to succeed the King, is known as an Arab nationalist who may be less open than King Fahd to American policies.

Civil war between rivals for power or between the Sunni majority and the Shiite minority cannot be ruled out, says David P. Hodel, Secretary of Energy under President Ronald Reagan. And any instability in Saudi Arabia, which sits on 25 percent of the world's proven oil reserves, or 260 billion barrels, would have wide repercussions. The tendency in the United States, he warns, has been to ''go merrily on our way as if there is no potential problem to world oil supply until it is too late.''

''Sadly,'' he added, ''the consequences can be devastating.''

Most political leaders and industry executives say there is nothing to worry about. Another oil crisis is always possible, they concede, but it is highly remote. The United Nations World Economic and Social Survey 1995 confidently predicts that the real price for oil will remain roughly constant for the next 20 years.

''Nobody can say it won't happen,'' said Alfred C. DeCrane Jr., the chairman and chief

executive of Texaco Inc. ''But an earthquake on the San Andreas Fault is more apt to happen than a disruption in oil.''

Is that confidence overdone?

Saudi Arabia is still vital to feed the world's growing appetite for oil, which now totals about 62 million barrels a day. It accounts for a little more than 8 million of the 17 million barrels of oil that flow from the Middle East. And even though output outside the Middle East has been growing, there is not enough reserve capacity to fill the void if Saudi supplies are disrupted.

''The world needs Saudi Arabia,'' said John H. Lichtblau, the chairman of the Petroleum Industry Research Foundation, a private research group. In the event of upheaval, the question, Mr. Lichtblau said, is, ''Will you be killed or just be hurt?''

Experts like Mr. Lichtblau offer the consoling thought that history demonstrates that even the most disruptive political events are unlikely to keep the crude oil from pumping for long.

Vahan Zanoyan, senior director of a private consulting firm in Washington, the Petroleum Finance Company, generally agrees. He recently warned in an article in Foreign Affairs magazine that Saudi Arabia's leaders were frozen in time and had shown little inclination to respond to the decade-old drop in oil prices by reining in spending by the royal family and its entourage of princes, households and hangers-on.

''If in the next three to four years the Saudi Government resists reforms,'' he said in an interview, ''you will see more often the types of riots and civil unrest partly caused by economic concerns and the rise of more Islamic movements. The oil markets in the world will not watch this kind of thing with detachment.''

Yet even under the worst view—in which a fundamentalist Islamic group seizes power in Saudi Arabia—the new government will only hurt itself if it cuts off the supply of oil for a sustained period. ''Sooner or later,'' he said, ''the new leaders would have to export oil.''

The best protection against a temporary cutoff in supplies lies in the United States Strategic Petroleum Reserve, which holds about 600 million barrels, enough to meet America's needs for 90 to 120 days. But growing complacency about the risk of another oil shock is leading some lawmakers to look at the reserve as a source of revenue today rather than an insurance policy for tomorrow. Senate Republicans have proposed selling 39 million barrels from the reserve to help reduce the budget deficit. And most companies have cut their own inventories of oil, leaving the nation with a smaller margin of protection.

There is also little will on the part of the public, political leaders or the oil industry to lessen the vulnerability by increasing conservation or supporting alternative energy sources.

''At the moment we're just letting things drift,'' said James R. Schlesinger, Energy Secretary under President Jimmy Carter, ''when we should be alert to finding possible contingencies.''

In the event of a crisis, the most likely outcome, many experts say, will not be a complete shutoff but the risk that any new leadership will decide to sacrifice maximum income for a while, cutting production over time in a bid to push up prices.

But not everybody is so confident that the worst can be avoided. Milton Copulos, president of the National Defense Council Foundation, a conservative group in Washington, raised the possibility of an oil crisis at Congressional hearings last year. ''The optimists assume that the Arabs are exclusively motivated by economics,'' Mr. Copulos said. ''The Ayotollah Khomeini was not motivated by economics. Other militants are not motivated by economics.''

Ultimately, of course, there is always the option of military force.

Walter E. Boomer, the president of the Babcock & Wilcox Generation Group and a former Marine Corps lieutenant general who was involved in the Persian Gulf war, said the United States had already demonstrated its commitment during the war to defend Western interests in the Middle East.

''If the country is threatened,'' he said, ''we would make that commitment again.''

INTERNATIONAL DRUG CERTIFICATION

Mr. BIDEN. Mr. President, I rise to draw a line—a line that divides our nation from those countries who have fallen prey to the obscene influence of international drug cartels.

This week, the President will offer his decision—drawing his line—about which countries have cooperated sufficiently with United States counternarcotics efforts to justify all the benefits of a full partnership with our Nation. This year, some of our neighbors have crossed the line and should not be ''certified'' as fully cooperating with the U.S. drug enforcement effort. Others of our neighbors are coming perilously close to crossing this line.

Before offering my specific views on which countries I believe have crossed this line, I want to offer my general views of this drug certification process. Foremost, the certification process does not seek to shift the full blame for the drug scourge solely to the drug-producing and transit countries. In fact, the comprehensive drug strategies I have offered call on the U.S. government and the U.S. people to remain vigilant and committed to attacking the drug problem at home.

But, as I have always recognized, slowing the flow of drugs into the U.S. must be an integral part of a comprehensive drug strategy. And this effort to cut the literally hundreds of tons of drugs flowing toward American shores must be assisted by all countries if they are to continue as our full partners in the family of nations.

Mr. President, let me make it real simple—any nation that wishes to enjoy the benefits of American friendship must do everything they can to help America fight the scourge of drugs. This is not an impossible task. We are not being unreasonable. We do not ask that the nations that have literally been held hostage by the drug cartels end the supply of drugs coming from their shores. That would be unreasonable—many of these nations just cannot eliminate all drug cartels, just as we cannot eliminate all of the mafia here in the U.S.

Still, America has the right to ask what is reasonable—no more but also no less. That has been my longstanding test, not only in the area of drug policy but also in other important questions of foreign policy, such as arms control.

To be more specific, I have long believed that a United States policy of support and cooperation with our friends in Latin America is the best way to counter the drug threat. While it might make us feel better, isolation and incrimination of other countries rarely helps us meet our ultimate objectives. Particularly in the drug interdiction task, cooperation and shared intelligence are absolutely essential to an effective strategy because drugs can be hidden in any of the billions of legal containers that cross our border every year. And with no intelligence, we can never hope to stop these drugs.

Nevertheless, despite the fact that cooperation is usually the best policy, there are grave circumstances where both morality and practicality require America to draw the line.

I regret to conclude that for Colombia that line has been crossed. The United States should not certify that Colombia has done everything possible to curb the operations and influence of the illicit drug trade, primarily because of the corruption at the highest levels of the Colombian government.

I also conclude that for Mexico, that line is close to being crossed. This requires the U.S. to send a clear warning—just as we did last year to Colombia. Let me also point out that totally cutting off cooperation could make a bad situation very much worse, and it is simply not in our national interest to do so. Therefore, I recommend that a vital national interest waiver or similarly strong, unambiguous warning be sent to the Mexican government.

Even as I call for our nation to decertify Colombia, I recognize the immense challenges that the drug trade poses in that country. I admire the courage of the men and women in Colombian law enforcement—leaders such as the National Police Chief, General Serrano—who endure violent threats and even actual assaults on their Government institutions. Hundreds of honest, hard-working Colombians sacrificed their lives last year in the struggle against drug traffickers.

But, how can we assured of the Government's commitment against drug trafficking when the President himself almost surely benefited from the drug trade? The extent and level of official drug corruption in Colombia is the single most glaring failure —and the overriding reason I must recommend decertification.

President Ernesto Samper has been charged with accepting $6 million in campaign funds from the Cali cartel—and may soon be impeached because of it. In addition, at least 20 members of congress are also under investigation for accepting drug funds.

I have long stated that such official corruption cannot be tolerated. Even if a nation is overwhelmed by the horrible powers of international drug cartels, as long as their leaders remain committed to fighting these cartels they deserve our support. But, once a nation's leaders have fallen under the corrupt influence of the drug cartels, morality and practicality require that they cannot be given our support.

This has been my test for certification for years. In 1989, I voted to overrule President Bush's decision to certify the Bahamas. I believed then that the Bahamas should have been decertified because drug corruption had permeated the highest levels of their Government.

Let me also point out that the current leadership of Colombia has already been given the benefit of the doubt—given chances—given tests—but, ultimately, their leaders have failed. The Senate was first faced with reports of the Samper campaign's alleged connection to the Cali cartel during the summer of 1994. I and every Senator voted to condition U.S. aid on progress in fighting drug operations and corruption. But, with no clear evidence of corruption against Mr. Samper available at the time, this provision was dropped when the final foreign operations bill was negotiated with the House of Representatives.

At the time of President Samper's inauguration in August 1994, I and the majority of Senators voted against a measure to place further counter narcotics conditions on United States aid to Colombia. We voted, in effect, to give the new President time to demonstrate his commitment to fighting the drug cartels. President Samper personally assured me that he would remain faithful to the struggle against drugs. The evidence is clearer every day that he has not lived up to his word.

Last year's certification of Colombia on vital national interest grounds was the clearest possible—and first ever—official United States warning that the leaders of Colombia must remain absolutely free from the corrupt influence of the drug cartels. In response to this warning, we did see an unprecedented series of raids—Colombian authorities, cooperating with the of DEA, captured six leaders of the Cali cartel.

But just last month, one of those key traffickers walked out of prison and reliable reports indicate that the cartel kingpins who stayed in prison continue to run their drug operations from their plush prison cells.

Finally, and unpardonably, charges of corruption have coincided with a marked diminution of efforts to slow the drug trade—as last year Colombian seizures of cocaine decreased by 24 percent last year. And, supplies of Colombian heroin are also on the rise—becoming more pure, less expensive, and taking over the streets of America.

Even as I recommend decertification, I recognize that this issue can—under the law—be revisited during the coming year. The Samper government may soon be replaced. It may even prove that the charges of corruption are groundless.

So, let me be crystal clear. If a new Colombian Government demonstrates a commitment to fighting the drug cartels and an absolute freedom from corrupt influence of the drug cartels, then the United States should revisit the decertification decision. The Foreign Assistance Act allows the President to reconsider a decertification decision if there has been a fundamental change of government or a fundamental change in the reasons for decertification. A new government—free of the corrupt influence of the drug cartels—would be such a fundamental change.

But, until then, I cannot recommend to the President that he do anything other than decertify Colombia.

The story for Mexico is different than Colombia's—at least so far. The key difference is the antinarcotics leadership of the current Mexican administration. Still, the growing threat to the United States of drugs grown, produced, or traveling through Mexico is too serious for Mexico to be granted full certification. Therefore, the correct course to take this year with Mexico is the step we took last year with Colombia. In other words, we must send a warning—such as granting a national interest waiver.

Let me point out, Mexico's problems are in some ways the result of successes in interdiction in the transit zone—the Caribbean. Our success at pushing the drug traffickers out of the transit zone means that the drug cartels needed a new route—the natural choice is the overland route that passes directly through Mexico. This has been the key opportunity for Mexican traffickers to gain control more phases of cocaine operations. Reports from the field indicate that Mexican drug kingpins actually accept payments in the form of cocaine—1 free kilo from the Colombian kingpins for every kilo the Mexican traffickers smuggle to the United States.

This 2-for-1 sale has had such a severe impact that now more than two-thirds of all the cocaine in this country now comes through Mexico. And, it means that Mexican drug cartels are poised to become much richer, more powerful and more deadly than ever before. What is worse, all this is on top of longstanding Mexican trafficking in heroin, marijuana, methamphetamine, and one of the newest drugs of abuse—rohypnol.

Let me also point out that Mexico's large geographic size and their limited resources mean that fighting the drug traffic is simply an overwhelming task.

Last year, for example, we heard that traffickers landed fast-flying jumbo jets with multi-ton shipments of cocaine in rural Mexico. Sometimes using dry riverbeds or dirt roads as landing strips, obviously ruining these planes—literally abandoning planes worth upwards of $10 million . Of course, it's worth it to the drug cartels—these tons of cocaine are worth literally hundreds of millions of dollars. Such tactics seriously test the capacity of Mexico's anti-drug personnel and resources.

But with all these problems, I believe Mexico has a President who is on our side. President Zedillo has taken sincere and important steps on the drug front, including judicial reforms and the appointment of an attorney general who is from the opposition party dedicated to weeding out corruption. The recent arrest of Juan Abrego—leader of the Mexican gulf cartel—was an example of United States-Mexican cooperation.

Mexico's demonstrated leadership amidst the growing drug threat is the fundamental reason I do not propose decertification for Mexico. Frankly, if we destroy Mexico's moral, political or practical resolve against the drug traffickers we will only have succeeded in making a bad situation very much worse.

Still, in rejecting no-strings-attached full certification for Mexico, we must send a clear and strong warning that the Mexican drug trade must be a priority in our bilateral relations and that we expect results. Nevertheless, continued cooperation between the United States and Mexico on drugs is critical with such a close and important neighbor. Last year, we sent a warning to the Colombian government—they did not heed this warning—and this year I call for them to pay the price. This year, we must send a warning to the Mexican government—and if they do not heed it, they will pay the price.

We cannot expect a quick fix to the drug problem in Mexico. But we must be clear about areas where we think a strong, honest government can make a difference—starting with reforms in the institutions and laws that are both governable by their national leadership and vulnerable to the narcotics industry.

For example, more can and must be done to curb the problem of money laundering in Mexico's financial sector. More can and must be done to control precursor chemicals of methamphetamine, as Mexican traffickers become key players in the manufacturing and distribution of this drug. And, more can and must be done to work together to control the new challenge posed by the flow of rohypnol across the border.

In 1993, I supported the North American Free Trade Agreement—and vowed to monitor carefully how the agreement with Mexico was functioning. And last year, I did not protest when President Clinton decided to lend Mexico money to help alleviate the peso crisis. My call to end the full no-strings-attached certification for Mexico means that my continued support for NAFTA will depend in great measure on an aggressive Mexican response to the growing drug threat. In doing so, I am following the same prudent course I followed for Colombia—a clear warning, a chance to comply, with failure to comply resulting in action.

Mr. President, I understand that both Mexico and Colombia are making efforts in counter-narcotics—but the standard for certification is full cooperation. Given the massive scourge of drugs confronting us, it is in the interest of the United States to raise the

level of expectations and attention given to the drug trade by our southern neighbors. This is what the certification process allows, and this is what our Nation must do.

THE FUTURE OF THE NATIONAL GUARD

Mr. FORD. Mr. President, shortly after Christmas, the New York Times printed a very one-sided portrayal of the National Guard. In that article, a senior Defense Department official is quoted as saying, ''There's a lot of the Army National Guard that's just irrelevant to our strategy. It's kind of like a welfare program for weekend warriors. * * *''

Aside from being grossly inappropriate, the statement is simply not true. Change is inevitable—not just for the Guard but for this Nation's military structure as a whole. And, while the Guard is prepared to face those new challenges, as we go forward, I'll continue to be guided by my unequivocal support for the Guard and by the knowledge that the Guard is in no way the problem, but rather the key to the solution.

I can also assure my colleagues that some nameless, faceless bureaucrat who equates the Guard—with its stellar performances in the Persian Gulf, Somalia, Haiti, the Sinai, and Bosnia—to a handout, will not be determining the Guard's fate. Instead, the Guard, sitting down as equals with the Army, will determine that future.

That's the message I delivered a few weeks ago to the Adjutants General Conference, that's the message I delivered when the Governors met here for their annual meeting, and that's the message I bring to you today. Because when representatives of the National Guard sit down at the negotiating table with the Army, I intend for both the Governors and Congress to be solidly behind them.

Our common goal has been to maximize the Guard's role both during times of war and peace, and to assure the Guard is ready and accessible. That goal has not changed. But, we must assure that this goal can adapt to the changing global, economic, technological, and political environment. I think that the Guard's accomplishments put us in an excellent position as we head into this debate, and ask the question, ''What are the military needs of this country, and how can we best meet them?''

We've already proven we can conform to the changing global demands being placed on our military. In his State of the Union Address, President Clinton said, ''We can't be everywhere. We can't do everything. But where our interests and our values are at stake—and where we can make a difference—America must lead. We must not be isolationists or the world's policeman. But we can be its best peacemaker.''

The Guard has proven itself 100 percent as a necessary and vital part of America's peacekeeping force. Any discussions about the Guard's future must recognize the interdependability of the regular Army and the Guard, rather than continuing to see them as having separate missions.

The Air Force and Air Guard are a perfect example of how we can make this integration work. Serving anywhere around the globe, there is no distinction between these two Air Forces. They fly as one, they work as one, and they succeed as one.

Another issue often mentioned is the changing technology and its impact on our military makeup. Again, the Guard is keeping pace with the changing demands. I'll use this opportunity to brag on Kentucky a bit. Our western Kentucky training facility, in conjunction with the high-technology training available at Fort Knox, puts Kentucky and the National Guard at the forefront of this country's military training.

Last year, 16,000 soldiers trained there. But, those numbers represent just the beginning in a long line of soldiers who will receive the best, state-of-the-art training this country has to offer.

The Kentucky Guard is certainly not alone in its ability to adapt to new high-technology opportunities and demands. And, who better than our citizen-soldiers with their added professional skills, to meet the high-technology challenges of the future? We've seen how these additional skills constantly come into play—a chief of police providing the know-how to set up policing operations in Haiti is just one example—and we'll see it when the Guard uses its outside expertise for the high-technology military of the future.

In the end, Mr. President, our greatest pleasure comes from budget realities and growing fiscal restraints. Last year, we essentially had to go in and write the Guard's resource and training needs into the budget. But, our hard work paid off and our priority items—Air National Guard force structure, military technician manning and the Army Guard operating funding—survived.

This year, things will get even more difficult. And as General Baca conceded a few weeks ago, we'll not only have to confront the issue of force structure, we'll have to accept change. But, the Guard can be the architects of that change.

In drawing up the plans for that change, I think we should be guided by the Adjutants General Association president, General Lawson's words. As he said last September, ''We may need less military, but we don't need the military less.''

Assistant Secretary of Defense Deborah Lee is right on target when she points out that our units cost 25 to 75 percent of active-duty counterparts. ''Making greater use of the reservists makes good sense in an area of shrinking budgets. This means that instead of reducing the Reserve components in the same direct proportion as the active components, more use should be made of reservists to control peacetime costs and to minimize the risks associated with active drawdown.''

And that last point is very important. As the executive officer of a Cobra helicopter squadron put it, ''If you dissolve units like this, it would take years to rebuild that ability if you ever needed it again.''

Major General Philbin put it another way: ''Since few conflicts evolve as anticipated, where would those reserve component forces be found if the Guard combat divisions are deactivated? The Army Reserve? Not structured for combat. Another draft? No time, since the Pentagon pundits are forecasting, however unrealistically, conflicts that arise like lightning bolts and are successfully concluded in a flash.''

When we go to the table to hammer out a new covenant with the Army, we must bring to the table our willingness to see changes to force structure. But we shouldn't leave behind our commitment to a relevant, viable and ready Guard that maintains a balanced force of combat, combat support, and combat service support, along with an equal level of command support to maintain balance across the Nation. These items will not be negotiable.

We're at a crucial juncture that will have long-felt repercussions for the National Guard and the Nation as a whole. But I hope we've reached that juncture, with Congress behind the Guard, with the Governors behind the Guard, and most important, with the American people behind the Guard.

That's because the citizen-soldiers of the National Guard find their roots in the history of this country, but equally important, in the communities of this country.

If you look behind the words in the Guard's theme—''Capable, Accessible, Affordable''—what you'll find are average folks who've struggled through some of the worst disasters imaginable.

They understand that taken together, these three words define with simplicity and clarity, the important dual Federal-State function of our National Guard, the decisive role they've played in our Nation's history, and will play in our Nation's future.

And taken together, they decree what the Guard has been, what they can be, and what they will be.

Mr. President, I look forward to working with my colleagues to assure that the Guard continues to play a major role in this Nation's military structure and mission.

CHARACTER COUNTS RESOLUTION, SENATE RESOLUTION 226

Mr. NUNN. Mr. President, yesterday, I joined with my distinguished colleague Senator DOMENICI, in submitting Senate Resolution 226. This resolution which, I strongly support, would designate the week of October 13–19, 1996, as the third annual National Character Counts Week.

For the past 2 years, I have joined with Senator DOMENICI and several of our other colleagues in introducing the previous character counts bills, and I have been very pleased with its reception by our colleagues and our constituents.

We have come together again this year to draw attention to the fact that our Nation is experiencing a crisis of values. This crisis is reflected in the rising tide of violence that kills children in the cross-fire on school yards and in front of their houses, and in the increasing number of children who kill each other.

This crisis goes beyond crime. It is reflected, also, in the recent survey of youngsters conducted by the Josephson Institute of Ethics. These ordinary youngsters may never be involved in crime, drug abuse, or teenage pregnancy, but they still acknowledge disturbing ethical lapses;

Two out of five high school age boys and one in four girls have stolen something from a store.

Nearly two-thirds of all high school students and one-third of all college students had cheated on an exam.

More than one-third of males and one-fifth of females aged 19–24 said they would lie to get a job and nearly one-fifth of college students had already done so in the last year. Twenty-one percent said they would falsify a report to keep a job.

As a character in John Steinbeck's novel ''Of Mice and Men'' complained, ''Nothing is wrong anymore.'' Unfortunately, a lot is wrong and our society seems reluctant to admit the problem, and to teach again and live by the values of right and wrong.

This is the core message of character counts—that there are core values that our society agrees on and that should guide our decisionmaking. These values, as set out in the resolution, are trustworthiness, respect, responsibility, fairness, caring, and citizenship. These values are and have been supported by an extremely broad and diverse coalition of people, including former Secretary of Education Bill Bennett, the late Barbara Jordan, actor-producer Tom Selleck, and Children's Defense Fund founder Marian Wright Edelman. Among our colleagues, Senators with such diverse political viewpoints as Senator HELMS and Senator BOXER have supported similar efforts in the past. I come before the Senate today on behalf of this group to urge continued attention to this important problem.

In recent months, I have joined with my colleague Senator LIEBERMAN and Secretary Bennett in an effort to raise awareness of the connection between what people see in the media and the way they live their lives. One of the points we have tried to stress to media producers and the advertisers who support these shows is that they have a responsibility to consider the societal context in which their programs play. It is difficult for our children to see trash and violence on television every day and avoid falling into those habits in their own lives. By the same token, we as citizens have a responsibility to provide an example of good character for our children to follow. If they see us upholding the pillars of good character in our everyday lives, it becomes easier for them to live that way.

This is a resolution considered by members of the Senate and House in Washington, DC. But it is the parents, teachers, coaches, ministers, big brothers and sisters in local communities who will lead the fight for values in our Nation. As a result of the efforts by the Character Counts Coalition, people in all areas of the country are more aware of the problems we face, and have begun to incorporate these values into their everyday lives and those of their children. Senator DOMENICI has outlined some of these efforts. We resubmit this resolution to remind the Senate that the work on this issue is far from over, and again to enlist our colleagues' support in reenforcing that these values are fundamental to our society. I am proud to join my colleagues, especially Senator DOMENICI, in this effort once again, and I urge the Senate to support this resolution.

HONORING THE BERQUISTS FOR CELEBRATING THEIR 60TH WEDDING ANNIVERSARY

Mr. ASHCROFT. Mr. President, these are trying times for the family in America. Unfortunately, too many broken homes have become part of our national culture. It is tragic that nearly half of all couples married today will see their union dissolve into divorce. The effects of divorce on families and particularly the children of broken families are devastating. In such an era, I believe it is both instructive and important to honor those who have taken the commitment of ''til death us do part'' seriously and have successfully demonstrated the timeless principles of love, honor, and fidelity, to build a strong family. These qualities make our country strong.

For these important reasons, I rise today to honor the Reverend and Mrs. Ernie Berquist of Springfield, MO, who on February 28 celebrated their 60th wedding anniversary. My wife, Janet, and I look forward to the day we can celebrate a similar milestone. The Berquists commitment to the principles and values of their marriage deserves to be saluted and recognized. I wish them and their family all the best as they celebrate this substantial marker on their journey together.

UNITED NATIONS SANCTIONS AGAINST IRAQ

Mr. THOMPSON. Mr. President, I rise today to express my concern over ongoing discussions in New York between Iraqi representatives and the United Nations Secretariat over possible implementation of U.N. Security Council Resolution 986. Should Resolution 986 be accepted by Iraq, $2 billion of Iraqi oil would be permitted to be sold on the international market over a 6-month period. A loosening of the economic embargo under Resolution 986 would occur without any linkage to the cessation of Iraq's drive to acquire weapons of mass destruction. The prospect of even a partial lifting of the Iraqi embargo at this time raises a number of concerns and may serve to remind Members of the continuing duplicity and intransigence of the Iraqi regime, and the costs the United States has borne as a result. Moreover, the fact that the recent discussions over implementing Resolution 986 have occurred in a virtual information blackout, without the input or oversight of the American U.N. Representative, adds additional concern.

If accepted by Iraq, Resolution 986 would permit Iraq to sell oil in order to finance humanitarian goods and address ''the serious nutritional and health situation of the Iraqi people.'' Resolution 986 would not, however, require Iraq to cease its efforts to acquire weapons of mass destruction—the foremost reason sanctions were imposed against Iraq in the first place. While reducing the suffering of the Iraqi people is certainly a laudable goal, the cause of this suffering rests squarely and completely on the shoulders of Saddam Hussein. His continued refusal to accept relevant U.N. Security Council Resolutions regarding cessation of the production of weapons of mass destruction and his continued harsh internal repression against the people of Iraq are the causes of the economic embargo and the deprivations suffered by the Iraqi people, as well as others in the region.

Despite apparent cooperation with U.N. monitors in some areas, evidence of Iraqi's ongoing effort to build weapons of mass destruction was obtained as recently as 2 months ago. On December 8, 1995, Jordan said it intercepted a shipment of missile guidance components bound for Iraq. A few weeks later, on December 26, Jordan intercepted dangerous chemicals on their way to Iraq. On December 15, 1995, the United Nations Special Commission on Iraq (UNSCOM) reported that Iraq continues to conceal and provide false information on its efforts to develop weapons of mass destruction. Mr. President, these incidents alone, even ignoring past acts of terrorism and weapons procurement, should be sufficient cause to continue fully the economic embargo against Iraq. Even a temporary allowance for ''humanitarian'' oil sales will decrease the pressure on Iraq to comply with U.N. requirements to dismantle its facilities for the production of weapons of mass destruction and could free-up other Iraqi resources for its weapons programs.

Beyond ceasing production of chemical, biological and nuclear weapons, Saddam Hussein is also required to end

the repression of Iraqi citizens under the terms of U.N. Security Council Resolution 688 enacted on April 1, 1991. The most recently available Human Rights Report issued by our State Department calls the human rights situation in Iraq ''abysmal''. Just a short excerpt from that report makes the case that conditions of Resolution 688 have not been met:

> Political power in Iraq is concentrated in a repressive one-party apparatus dominated by Saddam Hussein. . . . Systematic violations continued in all categories, including mass executions of political opponents, widespread use of torture, extreme repression of ethnic groups, disappearances, denial of due process, and arbitrary detention.

Mr. President, I certainly do not wish more hardships on the Iraqi people beyond those they have already suffered at the hands of Saddam Hussein. But softening the pressure against his regime, while so many examples of outrageous and dangerous activities continue to confront us, makes no sense. Certainly reducing the pressure on Iraq now will not hasten the day when the Iraqi people can live free of the depredations imposed on them by Saddam Hussein.

Even more alarming than a temporary easing of sanctions, however, are suggestions that UNSCOM may recommend lifting the Iraqi embargo entirely sometime this year. How such a recommendation could be contemplated so shortly after UNSCOM itself reported that Iraq continues to lie and hide information about its weapons program is baffling. Further increasing America's dependence on imported oil from a country with Iraq's openly hostile objectives is not in our national interest.

On that point, I should also mention that on March 27 of last year, the Foreign Relations Committee held hearings on the subject of American dependence on foreign oil. Despite repeated findings over many years that the United States' national security is harmed by a dependence on foreign oil, this dependence continues to increase. I commend Chairman HELMS for having held this hearing and recommend that colleagues concerned about our national dependence on foreign oil review the hearing record.

In any case Mr. President, either a temporary easing of sanctions under Resolution 986, or a permanent lifting of sanctions pursuant to earlier Security Council Resolutions, should be accompanied by a full reporting to Congress of the effect on U.S. national security of any Iraqi oil sales, the steps being taken to ensure adequate protection of human rights in Iraq, and the international safeguards in place to protect against future weapons development by Iraq.

CUBAN SHOOT DOWN OF MIAMI-BASED CUBAN EXILE PLANES AND THE CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY—LIBERTAD—ACT CONFERENCE REPORT

Mr. THURMOND. Mr. President, I rise today in strong support of the conference report to H.R. 927, the Cuban Liberty and Democratic Solidarity Act—Libertad. As an original cosponsor of this legislation in the Senate, I have long believed that the United States should strengthen international sanctions against the dictatorial regime of Fidel Castro. I regret that it has taken the most recent outrageous behavior of the Cuban Government to convince the President of this.

Fidel Castro was, is, and always will be a despot and a murderer who has no regard for human life and no respect for international law. The downing of 2 private planes and the killing of 4 civilians by Cuban military fighter aircraft reiterates this fact. It is imperative that Mr. Castro realize that the United States will not tolerate his tyranny. The passage of the Libertad Act will send this vitally important message.

This legislation strengthens international sanctions against Cuba, provides support for a free and independent Cuba, protects the interests of American citizens whose property was confiscated by the Castro regime, and denies visas to individuals who traffic in confiscated property.

I urge all of my colleagues to join me in support of this vital legislation. President Clinton has agreed to sign this act into law. It is time that we send a strong bipartisan message to Fidel Castro.

TRIBUTE TO BRIG. GEN. RICHARD L. REYNARD, STAFF DIRECTOR, SENATE ARMED SERVICES COMMITTEE

Mr. THURMOND. Mr. President, I rise today to recognize the contributions of Brig. Gen. Richard L. Reynard, the staff director of the Committee on Armed Services. Dick Reynard, who is well known to many in the Senate and in the Department of Defense, is leaving the committee to return to the private sector.

General Reynard joined the committee as the minority staff director in April 1993. He quickly earned the reputation as a capable leader to whom the Members and staff could turn for clear advice and counsel. His more than 34 years of leadership and management experience in government and the private sector served him and the committee very well.

General Reynard was commissioned in the Army as an artillery officer following graduation from the U.S. Military Academy in June 1958. He served in a wide variety of staff and command assignments at every level of the Army, including a combat tour in Vietnam. General Reynard taught at the U.S. Military Academy where he helped shape a new generation of leaders for our Nation. Many Members of the Senate remember Dick Reynard from his assignment as the Army's liaison officer to the Senate where he ensured that we understood the Army's priorities and traveled with us as we performed our duties around the world.

Following retirement from the Army, General Reynard worked in the private sector as an officer in a small corporation and as a government relations specialist. When I asked General Reynard to be my staff director, he agreed to return to Government service even though it meant personal and financial sacrifice. During his first year in the committee, we addressed such important issues as the ''Don't Ask, Don't Tell'' policy concerning the service of gays in the military, force reduction policies and benefits, assignment of women in the military, and Secretary Aspin's reorganization of the Department of Defense. His analysis, advice, and ability to protect the minority points of view resulted in important legislation which enjoyed bipartisan support. Following the elections in November 1994, General Reynard administered the transition of the Armed Services Committee from a Republican minority to the majority. Under his direction, the Armed Services Committee staff was in place and ready to support the committee members when the Congress convened in January 1995.

During his 3 years with the committee, General Reynard earned the reputation as a reliable, steady, and fair person to whom Members and staff could turn when they sought advice or insight on National Security issues. He was a tireless, dedicated, and trusted aide to me. I know many in this Chamber join me in expressing our appreciation to General Reynard and in wishing him and his wife Bibs well in his new endeavors.

Thank you, Mr. President.

UNITED STATES-GERMAN OPEN SKIES AGREEMENT

Mr. PRESSLER. Mr. President, I am delighted to inform the Senate that today the United States and the Federal Republic of Germany signed an open skies agreement which will liberalize air service between our two countries. I am also pleased to advise my colleagues that the United States and Germany initialed a Bilateral Aviation Safety Agreement [BASA] which will greatly enhance safety coordination between the Federal Aviation Administration [FAA] and its German counterpart agency.

The United States-German open skies agreement is a great economic victory for both countries and a very welcome development for consumers. In fact, I regard this agreement to be a trade accord of truly historic proportions for both countries. As always is the case where market forces are unleashed, consumers flying between the

United States and Germany, as well as passengers connecting in either country for travel to a third country, will benefit enormously. These consumer benefits will include increased choice and competitive air fares.

Mr. President, the United States-German open skies agreement is the product of bold and visionary leadership by two men. I refer to our Secretary of Transportation Federico Peña and German Transport Minister Matthias Wissmann. Secretary Peña had the vision to identify this opportunity and to recognize that competition will be our best ally in opening restrictive European air service markets such as those in the United Kingdom and France. Minister Wissmann had the vision to recognize the economic benefits of an open skies agreement with the United States are a two-way street.

In addition, I want to praise the great work of four men who labored for months to negotiate the fine points of this agreement. For the United States, I commend the outstanding work of Mark Gerchick, DOT's Deputy Assistant Secretary for Aviation and International Affairs, and John Bylerly, special negotiator for Transportation Affairs at the State Department. For the Germans, I commend the outstanding work of Dr. Jurgen Pfohler, Deputy chief of staff to Minister Wissmann, and Dieter Bartkowski, Director of the Air Transport Section at the German Ministry of Transport. The United States-German open skies agreement is a fitting tribute to their efforts and exemplary public service.

What does the United States-German open skies agreement do in terms of putting aviation relations between our two countries on the firm foundation of market principles? It will allow airlines of both countries to operate to any points in either country, as well as third countries, without limitation. It also liberalizes pricing, charter services and further liberalizes the open skies cargo regime already in place. In short, it allows market demand, not the heavy hands of governments, to decide air service between the United States and Germany.

How will this open skies agreement benefit all U.S. carriers? It will create tremendous new air service opportunities between the United States and Germany in which all U.S. carriers can partake. Also, German airports will provide well-situated gateway opportunities for our carriers to serve points throughout Europe, the Middle East, Africa, and the booming Asia-Pacific market. These gateway opportunities offer the double benefit of serving as a means of breaking the bottleneck at London's Heathrow Airport and offering a backdoor to the booming Asia-Pacific market.

All U.S. carriers also will receive indirect benefits from the United States-German open skies agreement. I predict the United States-German open skies agreement will be an important catalyst for further liberalization of air service opportunities throughout Europe. In fact, I believe this agreement will serve as a template for such liberalization. Hopefully, the United States-German open skies agreement, in combination with open skies agreements we already have with 11 other European nations, will force the United Kingdom and France to come to the alter of air service competition.

Mr. President, let me conclude by saying that today is a very important day in U.S. international aviation policy and U.S. trade policy. It also is an important day in United States-German economic and political relations. Perhaps most important, it is a great day for consumers in both countries.

UNITED STATES-GERMAN BILATERAL AGREEMENT

Mr. FORD. Mr. President, this morning the Department of Transportation announced an open skies agreement with Germany. Access to Germany, as Secretary Peña has recognized, is critical. I want to recognize the effort by the administration and the Secretary is aggressively pursuing an open skies agreement with Germany.

The agreement today does three things. First, it will enable our carriers to satisfy consumer demand this summer. Second, the Secretary and the German Government also will sign an important safety agreement. Finally, the two countries have initialed an open skies agreement.

The open skies agreement is the 10th with a European country and is a big step forward in our efforts to liberalize aviation agreements in Europe. Germany is the second largest European market. I caution my colleagues not to get over-confident—countries like the United Kingdom are not likely to jump on the bandwagon quickly. Each country and market differs. We also must focus on Japan, which I will discuss at a later date.

This open skies agreement is a major step forward. With all of the praise forthcoming today for the administration and Secretary Peña, I want to raise one issue. The effective date of the open skies agreement is triggered by favorable treatment of an application for antitrust immunity by Lufthansa and United. I have been assured that the request will be treated separately, and that the two matters are not linked. I know the Departments of Justice and Transportation will review the request thoroughly. I would have preferred that consumer benefits of an open skies agreement not be held hostage to a subsequent and independent review of the antitrust issue. This open skies agreement, as the Secretary recognizes, is an important one. I hope that this agreement, and others in the future, are able to be implemented without extraneous issues encumbering the process. I am certain Secretary Peña shares my views and I congratulate him on this breakthrough today.

MESSAGE FROM THE HOUSE

At 11:06 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 1561) to consolidate the foreign affairs agencies of the United States; to authorize appropriations for the Department of State and related agencies for fiscal years 1996 and 1997; to responsibly reduce the authorizations of appropriations for United States foreign assistance programs for fiscal years 1996 and 1997, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. GILMAN, Mr. GOODLING, Mr. HYDE, Mr. ROTH, Mr. BEREUTER, Mr. SMITH of New Jersey, Mr. BURTON of Indiana, Ms. ROS-LEHTINEN, Mr. HAMILTON, Mr. GEJDENSON, Mr. LANTOS, Mr. TORRICELLI, Mr. BERMAN, and Mr. ACKERMAN as the managers of the conference on the part of the House.

ENROLLED BILL SIGNED

The following enrolled bill, previously signed by the Speaker of the House, was signed on February 28, 1996, by the President pro tempore [Mr. THURMOND]:

H.R. 2196. An act to amend the Stevenson-Wydler Technology Innovation Act of 1980 with respect to inventions made under cooperative research and development agreements, and for other purposes.

MEASURE REFERRED

The Committee on Rules and Administration was discharged from further consideration of the following measure which was referred to the Committee on Governmental Affairs:

S. 1577. A bill to authorize appropriations for the National Historical Publications and Records Commission for fiscal years 1998, 1999, 2000, and 2001.

MEASURE PLACED ON THE CALENDAR

The following measure was read the first and second times by unanimous consent and placed on the calendar:

H.R. 2854. An act to modify the operation of certain agricultural programs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1898. A communication from the President of the United States, transmitting, pursuant to law, the report of three rescission proposals of budgetary resources relative to Bosnia peace implementation force, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, Committee on the Budget, and to the Committee on Armed Services.

EC–1899. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the cumulative report on rescissions and deferrals dated February 12, 1996; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, Committee on Budget, Committee on Finance, and the Committee on Foreign Relations

EC–1900. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the compliance report for the session of Congress ending January 3, 1996; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations and the Committee on the Budget.

EC–1901. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report on General Accounting Office employees detailed to congressional committees as of January 19, 1996; to the Committee on Appropriations.

EC–1902. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 94–23; to the Committee on Appropriations.

EC–1903. A communication from the Deputy Assistant Secretary of Defense (Installations), transmitting, pursuant to law, a report entitled ''The Performance of Department of Defense Commercial Activities'' for fiscal year 1995; to the Committee on Armed Services.

EC–1904. A communication from the Secretary of the Army, transmitting, pursuant to law, a notice to award a particular contract without competition; to the Committee on Armed Services.

EC–1905. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the annual Defense Manpower Requirements Report (DMRR); to the Committee on Armed Services.

EC–1906. A communication from the Principal Deputy General Counsel, Department of Defense, transmitting, a draft of proposed legislation to revise and amend the provisions of title 32, United States Code, relating to the jurisdiction and powers of courts-martial for the National Guard not in Federal service; to the Committee on Armed Services.

EC–1907. A communication from the Director of the Office of Management and Budget, the Executive Office of the President, transmitting, pursuant to law, the report on appropriations legislation within five days of enactment; to the Committee on the Budget.

EC–1908. A communication from the Director of the Office of Management and Budget, the Executive Office of the President, transmitting, pursuant to law, the report on appropriations legislation within five days of enactment; to the Committee on the Budget.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. ROTH, from the Committee on Finance:

Stuart E. Eizenstat, of Maryland, to be Under Secretary of Commerce for International Trade.

James E. Johnson, of New Jersey, to be an Assistant Secretary of the Treasury.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. HATCH, from the Committee on the Judiciary:

Barry R. McCaffrey, of Washington, to be Director of National Drug Control Policy, vice Lee Patrick Brown.

(The above nomination was reported with the recommendation that he be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. KERRY:

S. 1580. A bill to provide funding for community-oriented policing, to reduce funding for the Department of Defense, and for other purposes; to the Committee on the Judiciary.

By Mr. DEWINE:

S. 1581. A bill to reinstate the License for, and extend the deadline under the Federal Power Act applicable to the construction of, a hydroelectric project in Ohio, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LEAHY (for himself and Mr. SIMON):

S. 1582. A bill to reauthorize the Runaway and Homeless Youth Act and the Missing Children's Assistance Act, and for other purposes; to the Committee on the Judiciary.

By Mr. SARBANES:

S. 1583. A bill to establish the Lower Eastern Shore American Heritage Area, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. THOMPSON (for himself, Mr. FRIST, and Ms. MOSELEY-BRAUN):

S. 1584. A bill to authorize appropriations for the preservation and restoration of historic buildings at historically black colleges and universities; to the Committee on Labor and Human Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HELMS (for himself, Mr. PELL, Mr. DOLE, Mr. DASCHLE, Mr. LIEBERMAN, Mr. LAUTENBERG, Mr. DODD, Mr. MACK, Mrs. FEINSTEIN, Mr. BIDEN, Mrs. KASSEBAUM, Mr. SARBANES, Mr. THOMAS, Mr. GRAMS, Mr. LUGAR, Mr. D'AMATO, Ms. SNOWE, Mr. ASHCROFT, Mr. FEINGOLD, Mr. MOYNIHAN, Mr. BRADLEY, Mr. LEVIN, Mr. SPECTER, Mr. SANTORUM, and Mr. WELLSTONE):

S. Res. 228. A resolution condemning terror attacks in Israel; considered and agreed to.

By Mr. DOLE (for himself, Mr. DASCHLE, Mr. LAUTENBERG, Mrs. FEINSTEIN, and Mr. D'AMATO):

S. Res. 229. A resolution commemorating Black History Month and contributions of African-American United States Senators; considered and agreed to.

By Mr. INHOFE (for himself, Ms. MOSELEY-BRAUN, and Mr. WARNER):

S. Res. 230. A resolution to urge the President to announce at the earliest opportunity the results of the Senior Army Decorations Board which reviewed certain cases of gallantry and heroism by black Americans during World War II; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY:

S. 1580. A bill to provide funding for community-oriented policing, to reduce funding for the Department of Defense, and for other purposes; to the Committee on the Judiciary.

THE SAFER STREETS ACT OF 1996

●Mr. KERRY. Mr. President, I am today introducing the Safer Streets Act of 1996 that will address the anxiety of many citizens who believe that violence and crime are eating away at the social fabric of their communities. The Safer Streets Act would help to restore family security by funding an additional 100,000 police officers, above and beyond the 100,000 initially funded by the crime bill, to take their place on the streets of communities across our Nation.

Mr. President, to date, Massachusetts has received $53 million in funding from the 1994 crime bill for 1,020 new police officers, including the redeployment of 407 officers to the street from desk duty. Our communities must be able to respond to the threat of violent crime with an effort we know is already working in towns and cities across Massachusetts. I have listened to police officers and law enforcement officials, and citizens across my State, and they tell me that there is a real need for an even greater police presence on the streets of Massachusetts. Our first effort—putting 100,000 cops on the streets of our Nation—is already working to fight crime. There is no better deterrent to crime in our communities than a cop on the beat, so it is vital that we help communities obtain the police they need to keep neighborhoods safe. The Safer Streets Act will fund approximately 100,000 additional community police positions across the Nation—effectively doubling the number it was possible to provide from the first year's funding. It does this by cutting $6.5 billion from the 1996 fiscal year Defense Department appropriation and transferring it to the Justice Department to fund community policing efforts with grants that will be awarded to communities using the same formula as the first 100,000 cops on the street initiative. This is money the Defense Department did not ask for, and it is money we desperately need for more cops on the street.

Americans are understandably anxious about their economic and personal security. How we as a Congress respond to that anxiety—the kinds of partnerships we form between government and communities to address the concerns of families struggling to keep up and do well—will determine this Nation's future. That's why a strong, affordable effort to expand community policing, that has been proven to be extraordinarily successful, is not only our responsibility but is our obligation to the people we represent.

Mr. President, If we know that community policing works; and we know

that our constituents are anxious about their personal security, then it would be irresponsible not to act. This legislation addresses the personal frustrations of families who see a level of crime and violence on their streets and in their neighborhoods that is unacceptable. People want their government to respond with what we know can make a difference. Community policing with 200,000 more police on the streets will make a difference.

Mr. President, passing the Safer Streets Act is our duty.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD,

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1580

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TRANSFER OF FUNDS.

(a) IN GENERAL.—Notwithstanding any provision of the Department of Defense Appropriations Act, 1996 (P.L. 104–61), the Secretary of Defense shall transfer $6,500,000,000 of unobligated funds appropriated under such Act for fiscal year 1996 to the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211).

(b) ALLOCATION.—The Secretary of Defense shall allocate the amount transferred under subsection (a) from among any programs in the Department of Defense for which funding was not requested in the 1996 budget request of the President.

SEC. 2. FUNDING FOR COMMUNITY-ORIENTED POLICING PROGRAMS.

The amount transferred under section 1 shall only be used for community-oriented policing programs under section 1701(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(b)).●

By Mr. DEWINE:

S. 1581. A bill to reinstate the license for, and extend the deadline under the Federal Power Act applicable to the construction of, a hydroelectric project in Ohio, and for other purposes; to the Committee on Energy and Natural Resources.

HYDROELECTRIC PROJECT LEGISLATION

● Mr. DEWINE. Mr. President, S. 1581 would reinstate the license for a 49.5 megawatt hydroelectric project in Ohio, which was originally issued on September 27, 1989, and extend the deadline for construction until September 24, 1999. The licensee for this project is the City of Orrville. The original license was stayed and held in abeyance until 1992, due to administrative and judicial challenges to FERC's decision to issue licenses for 16 projects in the upper Ohio River basin. In 1992, the D.C. Circuit Court of Appeals upheld FERC's licensing decision. Due to the delay caused by the litigation and difficulty securing adequate funding for the project, the city surrendered its license in June, 1993 and sought other sources of power to meet its immediate energy needs. This bill would reinstate the license and extend the construction deadline for this project. In a letter dated February 9, 1996, FERC chair, Elizabeth Moler, stated that she did not have any specific objections to legislation reinstating the license and extending the construction deadline for Pike Island Project No. 3218.●

By Mr. LEAHY (for himself and Mr. SIMON):

S. 1582. A bill to reauthorize the Runaway and Homeless Youth Act and the Missing Children's Assistance Act, and for other purposes; to the Committee on the Judiciary.

REAUTHORIZATION LEGISLATION

● Mr. LEAHY. Mr. President, today I am joining with Senator SIMON to introduce a bill reauthorizing a number of worthwhile programs that serve young people and their families in Vermont and across the country. In particular, I am referring to the Runaway and Homeless Youth Act, the Missing Children's Assistance Act, and related programs, whose authorizations are expiring later this year.

A few weeks ago, I had the privilege of meeting with Frances Dodd, coordinator of the Vermont Coalition of Runaway and Homeless Youth programs. The Vermont Coalition is a community-based network comprised of eight member programs that provide crisis response, emergency shelter, counseling, and other services to troubled youth throughout nine Vermont counties. This meeting also included a number of young Vermonters who knew first-hand the value of providing shelters and support for young people facing difficult times. I came away from that meeting more convinced than ever that the Federal assistance provided by the Runaway and Homeless Youth Act continues to make an important difference in the lives of our young people and to play a critical role in reuniting families.

Those who provide services pursuant to these programs and those who are the beneficiaries of those services are far too important to be left hanging. In a Congress in which the budget and appropriations processes have given way to short-lived spending authority, they all deserve the reassurance of reauthorization and a commitment to funding. Only then will our State youth service bureaus and other shelter and service providers be able to plan, design and implement the local programs necessary to make the goals of the act a reality.

In 1974, Congress passed the Runaway and Homeless Youth Act as title III of the Juvenile Justice and Delinquency Prevention Act. The inclusion of the Runaway and Homeless Youth Act in this legislation recognized that young people who were effectively homeless were in need of shelter, guidance and supervision, rather than punishment, and should be united with their families wherever possible.

Since 1974, the programs that make up the Runaway and Homeless Youth Act have evolved to meet the complex problems faced by our young people, their families and our communities. Over the last decade, as a nation, we have witnessed an increase in teen pregnancy rates, drug and alcohol abuse beginning as early as grade school, child physical and sexual abuse, and a soaring youth suicide rate.

Today, the Runaway and Homeless Youth Act encompasses basic center grants, the transitional living program and drug abuse prevention program. These programs are vital to meeting the needs of troubled youth in rural Vermont and across the Nation. While the actual numbers of young people who run away or become homeless in rural areas might be small in comparison to that of large cities, emergency shelter and other services must still be accessible. It is an unfortunate reality that urban and rural youth can experience family conflict, and physical or sexual abuse.

The majority of these programs in my home State are coordinated through the Vermont Coalition. Young people find these services through friends and family as well as through referrals by police and our court diversion program.

Our Vermont programs and services have been very successful. Last year, for example 87 percent of runaways returned home or to a positive living situation after receiving services. Only 7 percent of those served in 1995 had new State social service cases open and less than 1 percent ended up in police custody. Since 1993, there has been a 42-percent increase in the total number of youths served by Vermont's programs. In 1995, these programs reached over 700 young people and over 1000 family members.

Two years ago, the Vermont Coalition was awarded a Federal rural demonstration grant to assist counties that lack adequate services for runaway youth in developing responsive programs. Through this grant, the Vermont Coalition was able to identify underserved counties, draw upon the expertise of its many programs and help develop programs for three additional Vermont counties in which services are now emerging.

Since 1989, the transitional living program, which was developed by my colleague, Senator SIMON, has filled a gap in the needs of older youth to help them make the transition to independent living situations. I know how hard Senator SIMON worked on creating this important program and I look forward to working with him now to continue it.

The programs we seek to reauthorize include those directed at young people who have had some kind of alcohol or other drug problem. The isolation in rural areas can lead to serious substance abuse problems. It is difficult to reach young people in rural areas and it is difficult for them to find the services they need. In Vermont, these drug abuse prevention programs provide essential outreach services.

Providing these types of community-based services to runaway and homeless youth seems to me to make good economic sense. We need only compare the cost of these programs to other services often needed by young people experiencing serious family conflict and associated social difficulties. Neglecting the needs of runaway and homeless youth and their families would have staggering economic implications. In Vermont, the average cost of services to youth by the Vermont Coalition of Runaway Youth Programs is $1,895. Compare this with $18,392, the average annual cost of maintaining someone in State custody through the social services department; the $50,000 it would cost to place someone in a substance abuse treatment facility; or the $60,000 a year it costs to incarcerate someone.

I receive letters from parents whose families have been kept together with the assistance of runaway and homeless programs as well as from young people who have been helped by these services. In one, a mother wrote of a program in the Northeast Kingdom:

> My teenage daughter ran away this spring. I feel fortunate to have been able to call upon the [Northeast Kingdom Youth Services] programs. I credit the quick, compassionate response by [the] on-call worker, with keeping my daughter out of state custody. Careful, immediate intervention was the key in helping my daughter feel comfortable about remaining at home. [Your] ongoing efforts to mediate issues which continue to arise have kept our family together.

These service providers are being challenged as never before with an increasingly complex set of problems affecting young people and their families. Now is not the time to abandon them. There is consensus among services providers that young people seeking services and their families are increasingly more troubled—as evidenced by reports of family violence, substance abuse and the effects of an array of economic pressures. These services may well be the key to breaking through the isolation of street youth, their mistrust of adults, and their reluctance to get involved with public or private providers.

Among the other critical programs reauthorized by our bill is the Missing Children's Assistance Act. Since its initial passage in 1984, we have made real progress on the tragedy of missing and exploited children. A national coordinated effort has proved essential in facing these problems. I understand that in Vermont alone there have been more than 30 cases of missing children resolved. Those children and their families know the value of this program.

This month, Senator THOMPSON has begun a series of hearings before the subcommittee on Youth Violence. I look forward to working with him and with Senator BIDEN, the ranking member on the subcommittee and on the Judiciary Committee, and our other colleagues in connection with these matters. In addition to the critical role that Senator BIDEN is playing, Senator KENNEDY and Senator KOHL have long been supporters of the juvenile justice and delinquency prevention programs. Senator SPECTER has been actively involved in these matters for more than a decade, formerly chaired the Juvenile Justice Subcommittee and currently chairs the Appropriations Subcommittee with jurisdiction over many of these programs.

In light of the ongoing hearings and in deference to our colleagues who lead the subcommittee, we have chosen not to include the title II Juvenile Justice and Delinquency Prevention Act programs in this reauthorization bill at this time. I understand that our colleagues, the administration, State program officers, the Ad Hoc Coalition on Juvenile Justice and Delinquency Prevention, and other groups are all currently developing proposals for the reauthorization of the Juvenile Justice and Delinquency Prevention Act. We look forward to consideration of those proposals and to working together to continue the bipartisan traditional that has always attended this program. While we all need to work together to address the rise in serious, violent juvenile crime and the need to enhance public safety, I believe that we can do so while still preserving the essential elements of the act.

The Juvenile Justice and Delinquency Prevention Act has helped foster strides nationwide through a series of funded mandates. Throughout the United States, the number of violations of the deinstitutionalization mandate for status offenders and nonoffenders has been reduced from 171,581 to 3,146 among the participating States. In 1994, 55 States and territories participated in the program and only three received reduced funding because of compliance issues.

Over a decade ago, the Vermont General Assembly established the Children and Family Council for Prevention programs, which is the designated State advisory group that monitors and distributes our funds under the title II block grant. The Vermont co-chairs of the council, Ken Schatz and Pamela Smith, and its other members encourage community involvement in the development of effective prevention programs that promote the health and increase the self-reliance of Vermont children and families. I look forward to working closely with the council on the reauthorization of the title II programs.

In June 1993, the council used Federal assistance under the act to sponsor a youthful offender study project. The ensuing report recommended the development of a youthful offender program, which won the endorsement of the Vermont Department of Corrections and the Department of Social Rehabilitative Services. The council is now funding projects with Federal assistance to implement this recommendation.

In 1994, the council developed Vermont's 3-year plan for the formula grant monies by identifying State priority areas. The largest portion of juvenile justice and delinquency prevention funding is a State block grant program, not a one-size-fits-all solution. In Vermont, the priorities are violent family functioning, the lack of treatment resources for violent youthful offenders and the need to improve the juvenile justice system. Over the last decade, Vermont has seen a substantial increase in reported violence against women and children. The council's plan allowed it to target this problem. The decrease in substantial cases of child abuse last year signals that the State's prevention efforts are making a difference.

Using its Federal assistance, Vermont has made great progress in improving the juvenile justice system in recent years. These funds enable Vermont to replicate initiatives that are working across the State. Typically, the Federal funding is leveraged with State and private funds to support these efforts. Vermont's formula grant has gone to support such projects as community-based treatment, court diversion, diversity training, pilot programs on juvenile restitution, its Families First program, its Caring Communities program and teen centers where young people can gather in a safe, supervised environment for socializing, group activities and educational events. One Vermont youthful offender noted:

> The Diversion program works. The board's faith in me gave me something to live up to and gave me confidence. They trusted me at a time when almost all the trust I ever had was gone, and they gave me one extra chance and that one extra bit of trust that I needed.

Through the programs which make up the Juvenile Justice and Delinquency Prevention Act, the Federal response to the problems of our youth has become comprehensive and collaborative. The Federal technical and financial resources have enabled States to undertake a number of system-wide improvements. The bill that we are introducing today recognizes the importance of a nonpunitive system for vulnerable youth.

In my view, the Runaway and Homeless Youth Act and the other Juvenile Justice and Delinquency Prevention Act programs are working in Vermont and ought to be continued. Given the short time left in this Congress, I believe that changes proposed to the Juvenile Justice and Delinquency Prevention Act will have to be those around which a consensus can be obtained very quickly if we are to meet our goal of reauthorizing it before the end of the year.●

● Mr. SIMON. Mr. President, this is the year that the Juvenile Justice and Delinquency Prevention Act needs to be reauthorized. This important act has vastly improved our handling of juveniles in our criminal justice system, and has provided funding for services to some of the most vulnerable young people in our society.

Today, Senator LEAHY and I are introducing a bill to reauthorize the runaway and homeless youth sections of the act. Although I feel strongly that the entire Juvenile Justice and Delinquency Prevention Act should be reauthorized, I understand that Senators THOMPSON and BIDEN, chairman and ranking member of the Juvenile Violence Subcommittee of the Senate Judiciary Committee, are holding hearings on the rest of the act. I applaud their work to examine these issues and construct a reauthorization plan, however I want to introduce this bill because the runaway and homeless youth parts of the act are particularly important to me.

In 1988, I held a hearing in Chicago on the problem of homeless youth. As a result of that hearing, I sponsored the Transitional Living Program. The Transitional Living Program was designed to fill a gap in the Runaway and Homeless Youth Act. The basic centers part of the act provides grants to community centers which provide temporary shelter and services to runaways while they try to reunite with their families or are placed in a foster home. Unfortunately, as I discovered during my 1988 hearing, many young people never return to their family homes, largely because of neglect and abuse, but are too old to be placed with a foster family. These young people were not being adequately served by the temporary shelters which help so many others.

The Transitional Living Program awards new-start grants to community projects which provide longer-term residential services to older homeless youth ages 16 through 21. Nonprofit, community-based grantees teach these young people independent living skills to prepare them to live on their own. Young people live in host family homes, group houses, or in supervised apartments, and receive guidance from counselors to help them make the transition to independent living. The goal of this program is to help these young people live productive, self-sufficient lives, and prevent future dependency on social services. The total annual appropriations for this program has been approximately $12 million. That investment has assisted countless young people who otherwise would have found themselves on the street with no one to provide the support and resources they need to live independently.

In 1988, a third component of the Runaway and Homeless Youth Act was also added. This Drug Abuse Prevention Program [DAPP] for runaway and homeless youth was initiated because of the recognition that drugs play a large role in these young people's lives. Their difficult living situations make them particularly vulnerable to the dangers of drug use, and such drug use severely hinders efforts to improve their circumstances. As anyone working in this field will testify, drug prevention and treatment are an essential element of any efforts to help runaway and homeless youth. Unfortunately, this DAPP component of the Runaway and Homeless Youth Act, along with a companion DAPP program for youth gangs, was not reauthorized last year and did not receive any funding this year. This bill recognizes the destructive role of illicit drug use in these young people's lives, and reauthorizes both of these essential programs.

Finally, this bill reauthorizes the National Center for Missing and Exploited Children. This center, created in 1984, provides important services to the thousands of families who face the devastating, mysterious loss of a child. The center operates a toll-free number to gather tips about missing children, coordinates Federal, State and local efforts to locate missing children, serves as a clearinghouse of information on successful service and research efforts, provides grants to local agencies for research and service efforts and conducts a regular survey on the number of missing children. This center has helped us as a nation understand the scope of this problem and has helped families locate missing children. Unfortunately, the problem of missing children continues, as President Clinton recognized on January 19, 1996, when he signed an order instructing Federal agencies to post missing-children posters in Federal buildings. The National Center for Missing and Exploited Children performs an essential function and should be reauthorized.

Mr. President, this bill should not be considered a substitute for a complete reauthorization of the Juvenile Justice and Delinquency Prevention Act. I support the efforts of Senators THOMPSON, and BIDEN, and look forward to working with them to reauthorize the act. However, Senator LEAHY and I agree that the runaway and homeless youth part of the act provide essential support for a most vulnerable group of young people. Our bill is meant to highlight our support for these programs and our belief that they should be reauthorized.●

By Mr. SARBANES:

S. 1583. A bill to establish the Lower Eastern Shore American Heritage Area, and for other purposes; to the Committee on Energy and Natural Resources.

THE LOWER EASTERN SHORE AMERICAN HERITAGE AREA ACT OF 1996

● Mr. SARBANES. Mr. President, today I am introducing legislation to designate the Lower Eastern Shore of Maryland as a National Heritage Area. The purpose of this legislation is to help conserve and promote the resources of the region's communities and their unique contribution to the fabric of the Nation, while revitalizing its local economies and improving its overall quality of life.

The Lower Eastern Shore is a very special place. It contains an unrivaled combination of resources and history which represent a unique and integral piece of the diverse tapestry of our national character. Situated on the Delmarva Peninsula between the Atlantic Ocean and the Chesapeake Bay—the largest and most productive estuary in North America, its nationally significant natural resources also include the Coastal Bays—Chincoteague, Sinepuxent, Isle of Wright, and Assawoman; the Wild and Scenic Pocomoke River; and one of the few relatively undisturbed strands of barriers islands on the east coast—to name only a few. Its unique land and water resources contain an extraordinary variety of habitat types—from old growth forests to cypress swamps—and a tremendous diversity of flora and fauna.

The Lower Eastern Shore has played an important role in the history and culture of our Nation from the earliest native American, African-American, and European-American settlements. Evidence of the Lower Shore's past is featured prominently in its daily life—including its watermen who for centuries have sailed the Bay's waters in the legendary Skipjacks—the last commercial sailing fleet left in North America—Bugeyes, and other vessels harvesting oysters, crabs, and fish. The area is recognized as the country's original historic and cultural center for the shell fishing industry. It holds the birth rights to the uniquely American art form of decoy carving through the internationally-recognized work of Lemuel and Steve Ward. The agriculture and water-related industries which flourished throughout the 1700's and 1800's, still contribute heavily to the regional economy. Many of the towns and communities on the Lower Shore including Crisfield, Deal Island, Smith Island, Snow Hill, and Princess Anne look much the same today as they did almost two centuries ago—and their numerous buildings and sites on the National Register of Historic Places still serve as important reminders of the history of the area.

The Lower Eastern Shore also boasts a wide array of national recreational amenities including: Ocean City, one of the Nation's premier ocean resorts; the Assateague Island National Seashore, one of the few pristine and unspoiled seashores remaining on the east coast; the Blackwater National Wildlife Refuge, home to the largest population of bald eagles east of the Mississippi River; and the Beach to Bay Indian National Recreational Trail. Over 10 million tourists visit the area each year to enjoy not only the scenic waterways and recreational draws, but also the historic sites and cultural attractions.

Five years ago, State and local government officials, area residents, the National Park Service, the Environmental Protection Agency, the University of Maryland-Eastern Shore, businesses, and other private organizations joined together to harness and at the same time protect this area's distinctive potential. This was one of the early efforts in a growing national movement of concerned individuals, organizations, and governments working

together to develop a vision for the future of an area distinguished by its resources, communities, and ways of life. Through that effort, a regional public-private partnership was formed and the Lower Eastern Shore Heritage Committee has prepared and begun to implement a plan which is already showing results in the conservation, preservation, and the revitalization of the Lower Shore counties.

The bill which I have introduced will provide further impetus for the successful implementation of a heritage conservation and development plan, while providing the Lower Eastern Shore with the important national recognition it deserves. This legislation is not designed to create a new national park or in any way change existing authorities of Federal, State and local governments to regulate the use of land as provided for by current law or regulations. Rather, it provides Federal technical assistance and grants and seed moneys at the grassroots level to foster Federal, State, and local partnerships, and promote and protect the unique characteristics of the area.

The Lower Eastern Shore Heritage initiative has been endorsed by a number of communities and organizations including the town of Berlin, the city of Crisfield, Pocomoke City, the town of Princess Anne, the town of Snow Hill, the Beach to Bay Indian Trail Committee, the Pocomoke River Alliance, the Greater Crisfield Marketing Authority, the Jenkins Creek Environmental Research Center, Wicomico, Worcester, and Somerest County tourism offices, and local chambers of commerce.

I ask unanimous consent that the full text of the bill and a section-by-section analysis be included in the RECORD. It is my hope that this bill can be included as part of the broader National Heritage Area legislation which is working its way through the Congress.●

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1583

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Lower Eastern Shore American Heritage Area Act of 1996''.

SEC. 2. DEFINITIONS.

In this Act:

(1) COORDINATING ENTITY.—The term ''coordinating entity'' means the Lower Eastern Shore Heritage Committee, Inc., a nonprofit corporation organized under the laws of Maryland.

(2) HERITAGE AREA.—The term ''Heritage Area'' means the Lower Eastern Shore American Heritage Area established under section 5.

(3) PARTICIPATING PARTNER.—The term ''participating partner'' means a county that has entered into the compact under section 6.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 3. FINDINGS.

Congress finds that—

(1) the Lower Eastern Shore possesses important historical, cultural, and natural resources, representing themes of settlement, migration, transportation, commerce, and natural resource uses, as described in the Lower Eastern Shore Heritage Plan (1992), endorsed by local governments, and in the draft report, Investing in a Special Place: A Report by the National Park Service to Congress and the Public on Resources, Accomplishments, and Opportunities for Conservation and Sustainable Development: Lower Eastern Shore, Maryland (1995);

(2) the Lower Eastern Shore played an important role in the history of the American Revolution and the Civil War;

(3) the Lower Eastern Shore gave birth to the uniquely American art form of decoy-carving through the internationally recognized work of Lemuel and Steve Ward and played a central role in the recognition of the aesthetic value of waterfowl habitat and landscapes;

(4) the skipjack, a popular symbol of the Chesapeake Bay designed and used in Maryland for harvesting oysters, is the last commercial sailing vessel still used in North America;

(5) the Lower Eastern Shore played an important role in the evolution of the colonial and American agricultural, timbering, shipping, and seafood industries in the 17th through 20th centuries, exemplified in many structures and landscapes, including farms and plantations, railroad towns, seafood processing industries, docks, and what was once the largest cannery in the United States;

(6) the Lower Eastern Shore rural townscapes and landscapes—

(A) display exceptional surviving physical resources illustrating the themes of the Lower Eastern Shore and the social, industrial, and cultural history of the 17th through the early 20th centuries; and

(B) include many national historic sites and landmarks;

(7) the Lower Eastern Shore is the home of traditions and research efforts associated with native American, African-American, and European-American settlements dating to periods before, during, and after European contact, and retains physical, social, and cultural evidence of the traditions; and

(8) the State of Maryland has established a structure to enable Lower Eastern Shore communities to join together to preserve, conserve, and manage the Lower Eastern Shore's resources through the Maryland Greenways Commission, river conservation, trail development, and other means.

SEC. 4. PURPOSES.

The purposes of this Act are to—

(1) recognize the importance of the history, culture, and living resources of the Lower Eastern Shore to the United States;

(2) assist the State of Maryland and the communities of the Lower Eastern Shore in protecting, restoring, and interpreting the Lower Eastern Shore's resources for the benefit of the United States; and

(3) authorize Federal financial and technical assistance to serve the purposes stated in paragraphs (1) and (2).

SEC. 5. LOWER EASTERN SHORE AMERICAN HERITAGE AREA.

(a) ESTABLISHMENT.—The Secretary shall establish a Lower Eastern Shore American Heritage Area.

(b) INITIAL GEOGRAPHIC SCOPE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the Heritage Area shall consist of the Maryland counties of Somerset, Wicomico, and Worcester.

(2) LOCAL AGREEMENT TO PARTICIPATE.—The government of each county listed under paragraph (1) and each municipality in a county listed under paragraph (1) shall become a participating partner by entering into the compact under section 6.

(3) ADDITIONAL PARTNERS.—The Secretary may include a county or municipality other than those listed in paragraph (1) to be part of the Heritage Area if the county becomes a participating partner by entering into the compact under section 6.

(4) COORDINATION.—The Secretary may coordinate with or allow participation by any county, city, town, or village in the Lower Eastern Shore.

SEC. 6. COMPACT.

(a) IN GENERAL.—To carry out the purposes of this Act, the Secretary shall enter into a compact with the State of Maryland, the coordinating entity, and any county eligible to be a participating partner under section 5.

(b) INFORMATION.—The compact shall include information relating to the objectives and management of Heritage Area programs, including—

(1) a discussion of the goals and objectives of Heritage Area programs, including an explanation of a proposed approach to conservation and interpretation and a general outline of the measures committed to by the parties to the compact;

(2) a description of the respective roles of the participating partners;

(3) a list of the initial partners to be involved in developing and implementing a management plan for the Heritage Area and a statement of the financial commitment of the partners; and

(4) a description of the role of the State of Maryland.

SEC. 7. MANAGEMENT PLAN.

(a) IN GENERAL.—The coordinating entity and the participating partners shall develop a management plan for the Heritage Area that presents comprehensive recommendations for conservation, program funding, management, and development.

(b) PLAN REQUIREMENTS.—The management plan shall—

(1) be consistent with State and local plans in existence prior to development of the management plan;

(2) involve residents, public agencies, universities, and private organizations working in the Heritage Area;

(3) specify the existing and potential sources of funding to protect, manage, and develop the Heritage Area; and

(3) include—

(A) a description of actions to be undertaken by units of government and private organizations;

(B) an inventory of the resources contained in the Heritage Area, including a list of any property in the Heritage Area that is related to the themes of the Heritage Area and that should be preserved, restored, managed, developed, or maintained because of the property's natural, cultural, historical, recreational, or scenic significance;

(C) a recommendation of policies for resource management that considers and details application of appropriate land and water management techniques, including the development of intergovernmental cooperative agreements to protect the Heritage Area's historical, cultural, recreational, and natural resources in a manner that is consistent with supporting appropriate and compatible economic viability;

(D) a program for implementation of the management plan, including plans for restoration and construction, and specific commitments of the participating partners for the first 5 years of operation;

(E) an analysis of ways in which Federal, State, and local programs may best be coordinated to promote the purposes of this Act; and

(F) an interpretation plan for the Heritage Area.

(c) TIME LIMIT FOR SUBMISSION OF A MANAGEMENT PLAN.—If the Secretary has not approved a management plan by the date that is 2 years after the date of enactment of this Act, the Heritage Area shall be ineligible for Federal funding until a management plan is approved.

SEC. 8. THE COORDINATING ENTITY AND PARTICIPATING PARTNERS.

(a) DUTIES OF THE COORDINATING ENTITY AND PARTICIPATING PARTNERS.—The coordinating entity and participating partners shall—

(1) develop and submit to the Secretary for approval a management plan pursuant to section 7 not later than the date that is 2 years after the date of enactment of this Act;

(2) give priority to implementing actions set forth in the compact and the management plan, including taking steps to—

(A) assist units of government, regional planning organizations, and nonprofit organizations in—

(i) preserving the Heritage Area;

(ii) establishing and maintaining interpretive exhibits in the Heritage Area;

(iii) developing recreational resources in the Heritage Area;

(iv) increasing public awareness of and appreciation for the natural, historical, and architectural resources and sites in the Heritage Area; and

(v) restoring any historic building relating to the themes of the Heritage Area;

(B) encourage by appropriate means economic vitality in the area consistent with the management plan for the Heritage Area;

(C) encourage local governments to adopt policies consistent with the management of the Heritage Area and the goals of the plan; and

(D) assist units of government, regional planning organizations, businesses, and nonprofit organizations to ensure that clear, consistent, and environmentally appropriate signs identifying access points and sites of interest are put in place throughout the Heritage Area;

(3) consider the interests of diverse governmental, business, and nonprofit groups within the Heritage Area;

(4) conduct public meetings not less frequently than quarterly regarding the implementation of the management plan;

(5) submit substantial changes (including any increase of more than 20 percent in the cost estimates for implementation) to the management plan to the Secretary for approval;

(6) for any year in which Federal funds have been received under this Act, submit an annual report to the Secretary setting forth the accomplishments and expenses and income of the coordinating entity and the participating partners and the entity to which any loans and grants were made during the year for which the report is made; and

(7) for any year in which Federal funds have been received under this Act, make available for audit all records pertaining to the expenditure of the Federal funds and any matching funds and require, for all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available for audit all records pertaining to the expenditure of the funds.

(b) FEDERAL FUNDING.—

(1) OPERATIONS.—The Federal contribution to the operations of the coordinating entity and participating partners shall not exceed 50 percent of the annual operating cost of the entity and partners associated with carrying out this Act.

(2) IMPLEMENTATION.—A grant to the coordinating entity or a participating partner for implementation of this Act may not exceed 75 percent of the cost of the entity and partners for implementing this Act.

(c) PROHIBITION OF ACQUISITION OF REAL PROPERTY.—The coordinating entity may not use Federal funds received under this Act to acquire real property or an interest in real property.

(d) ELIGIBILITY TO RECEIVE FINANCIAL ASSISTANCE.—

(1) ELIGIBILITY.—Except as provided in paragraph (2), the coordinating entity shall be eligible to receive funds to carry out this Act for a period of 10 years after the date on which the compact under section 6 is signed by the Secretary and the coordinating entity.

(2) EXCEPTION.—The coordinating entity may receive funding under this Act for a period of not more than 5 additional years, if—

(A) the coordinating entity determines that the extension is necessary in order to carry out the purposes of this Act and the coordinating entity notifies the Secretary of the determination not later than 180 days prior to the termination date;

(B) not later than 180 days prior to the termination date, the coordinating entity presents to the Secretary a plan of activities for the period of the extension, including a plan for becoming independent of the funds made available through this Act; and

(C) the Secretary, in consultation with the Governor of Maryland, approves the extension of funding.

(e) OTHER FEDERAL FUNDS.—Nothing in this Act shall affect the use of Federal funds received by the coordinating entity or a participating partner under any other Act.

SEC. 9. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) DUTIES AND AUTHORITIES OF THE SECRETARY.—

(1) GRANTS TO THE COORDINATING ENTITY AND PARTICIPATING PARTNERS.—The Secretary shall make grants available to the coordinating entity and the participating partners to carry out this Act.

(2) TECHNICAL AND FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—On request of the coordinating entity, the Secretary may provide technical and financial assistance to the coordinating entity and participating partners to develop and implement the management plan.

(B) PRIORITY.—In assisting the coordinating entity and participating partners, the Secretary shall give priority to actions that—

(i) conserve the significant natural, historic, and cultural resources of the Heritage Area; and

(ii) provide educational, interpretive, and recreational opportunities consistent with the resources and associated values of the Heritage Area.

(B) EXPENDITURES FOR NONFEDERALLY OWNED PROPERTY.—The Secretary may expend Federal funds on nonfederally owned property to further the purposes of this Act, including assisting units of government in appropriate treatment of districts, sites, buildings, structures, and objects listed or eligible for listing on the National Register of Historic Places.

(2) APPROVAL AND DISAPPROVAL OF COMPACTS AND MANAGEMENT PLANS.—

(A) IN GENERAL.—The Secretary, in consultation with the Governor of Maryland, shall approve or disapprove a compact or management plan submitted under this Act not later than 90 days after receiving the compact or management plan.

(B) ACTION FOLLOWING DISAPPROVAL.—

(i) IN GENERAL.—If the Secretary disapproves a compact or management plan, the Secretary shall advise the coordinating entity in writing of the reasons for rejecting the compact or plan and shall make recommendations for revisions in the compact or plan.

(ii) APPROVAL OF REVISION.—The Secretary shall approve or disapprove a proposed revision not later than 90 days after the date the revision is submitted.

(3) APPROVING AMENDMENTS.—

(A) IN GENERAL.—The Secretary shall review substantial amendments to the management plan for the Heritage Area.

(B) FUNDS FOR AMENDMENT.—Funds made available under this Act may not be expended to implement a substantial amendment to the management plan until the Secretary approves the amendment.

(4) ISSUING REGULATIONS.—The Secretary shall issue such regulations as are necessary to carry out this Act.

(b) DUTIES OF FEDERAL ENTITIES.—A Federal entity conducting or supporting an activity directly affecting the Heritage Area, and any unit of government acting pursuant to a grant of Federal funds or a Federal permit or agreement conducting or supporting an activity directly affecting the Heritage Area, shall, to the maximum extent practicable—

(1) consult with the Secretary and the coordinating entity with respect to the activity;

(2) cooperate with the Secretary and the coordinating entity in carrying out the duties of the Secretary and the coordinating entity under this Act; and

(3) conduct or support the activity in a manner consistent with the management plan.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

SECTION-BY-SECTION ANALYSIS

SECTION 1. SHORT TITLE

Establishes the title of the bill, the Lower Eastern Shore Heritage Area Act of 1996.

SECTION 2. DEFINITIONS

Defines the terms, ''Coordinating Entity,'' ''Heritage Area,'' ''Participating Partner,'' and ''Secretary.''

SECTION 3. FINDINGS

Identifies historical, cultural, and natural resources of National significance on the Lower Eastern Shore.

SECTION 4. PURPOSE

States that the purpose of the Act is to: 1.) recognize the importance of the history, culture and living resources of the Lower Eastern Shore to the United States; 2.) assist the State of Maryland and the communities of the Lower Eastern Shore in protecting, restoring, and interpreting the Lower Eastern Shore's resources; and 3.) to authorize Federal financial and technical assistance to serve these purposes.

SECTION 5. LOWER EASTERN SHORE AMERICAN HERITAGE PLAN

Directs the Secretary of the Interior to designate the Lower Eastern Shore as an American Heritage Area. Establishes a process for the counties and municipalities of Somerset, Worcester, and Wicomico and other surrounding jurisdictions that wish to be included therein to participate in the Heritage Area.

SECTION 6. COMPACT

Directs the Secretary of Interior to enter into a compact with the State of Maryland, the coordinating entity, and any county eligible to participate in the heritage plan and also defines roles, objectives and goals for

management and implementation of the Lower Eastern Shore Heritage Area.

SECTION 7. MANAGEMENT PLAN

Requires, within two years, that the Secretary of the Interior, the coordinating entity and participating partners develop a management plan, that presents comprehensive recommendations for conservation, program funding, management, and development. The plan must be consistent with State and local plans in existence prior to its development and include a description of actions to be taken by units of government and private organizations and an inventory of resources contained within the area.

SECTION 8. COORDINATING ENTITY AND PARTICIPATING PARTNERS

Defines duties of Coordinating Entity and Participating Partners to include: 1.) coordination with state and local authorities in the development of the management plan; and 2.) holding of quarterly public meetings regarding the implementation of the plan. Establishes federal cost shares at 50 percent of the operating costs and 75 percent of the implementation costs.

SECTION 9. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES

Auhtorizes the Department of the Interior to provide technical and grant assistance to the coordinating entity and participating partners to develop and implement the management plan.

SECTION 10. AUTHORIZATION OF APPROPRIATIONS

Authorizes such sums as are necessary to carry out this Act.●

By Mr. THOMPSON (for himself, Mr. FIRST, and Ms. MOSELEY-BRAUN):

S. 1584. A bill to authorize appropriations for the preservation and restoration of historic buildings at historically black colleges and universities; to the Committee on Labor and Human Resources.

THE HISTORICALLY BLACK COLLEGES AND UNIVERSITIES HISTORIC BUILDING RESTORATION AND PRESERVATION ACT

Mr. THOMPSON. Mr. President, today I am pleased to offer on behalf of myself, Senator FRIST, and Senator MOSELY-BRAUN authorization legislation for historic preservation activity for buildings at historically black colleges and universities. This bill directs the Secretary of the Interior to administer a program of grants-in-aid, from amounts authorized to be appropriated to carry out the National Historic Preservation Act for fiscal year 1996 through 1999, to eligible historically black colleges and universities for the preservation and restoration of historic buildings and structures on their campuses.

This being African-American History Month, I believe it is important for us to step back and reflect on the contributions that African-Americans have made to the founding and building of this Nation. And more importantly, to reflect on the institutions and organizations that were built by African-Americans to meet the challenges, goals, and needs of their people. Historically black colleges and universities stand as a testament to the hopes, dreams, achievements, and struggle of a people previously denied opportunity and justice to overcome extreme adversity and who succeeded despite the imposition of almost insurmountable legal and social obstacles.

This bill authorizes the Secretary to: First, obligate funds for a grant with respect to a building or structure listed on the National Register of Historic Places only if the grantee agrees to match the amount of such grant, with funds derived from non-Federal sources; and second, waive this matching requirement if an extreme emergency exists or is such a waiver is in the public interest to assure the preservation of historically significant resources.

It authorizes funds for to complete preservation operations at Fisk University and 13 historically black colleges and universities in Delaware, the District of Columbia and throughout the South, based on the 1991 National HBCU Historic Preservation Initiative. In September 1987, the Office of Historically Black College and University Programs within the Department of the Interior developed a proposal for a project designed to restore and preserve historic structures on the campuses of HBCU's. In 1988, a special survey to identify candidates for inclusion in the program generated responses from 46 HBCUs nominating 144 structures for consideration. The initiative selected 11 of the most historically significant and critically threatened structures which will require an estimated $20 million to restore and preserve the structure. Projects to be funded under the program include: Gains Hall, Morris Brown College, Atlanta, GA; Leonard Hall, Shaw University, Raleigh, NC; Hill Hall, Savannah State College, Savannah, GA; St. Agnes, St. Augustine's College, Raleigh, NC; The Mansion, Tougaloo College, Tougaloo, MS; White Hall, Bethune-Cookman College, Daytona Beach, FL; Graves Hall, Morehouse College, Atlanta, GA; Howard Hall, Howard University, Washington, DC; Virginia Hall, Hampton University, Hampton, VA; Parkard Hall, Spelman College, Atlanta, GA; Administration Building, Fisk University, Nashville, TN; Lookerman Hall, Delaware State College, Dover, DE; Cooper Hall, Sterling College, Sterling, KS; and Science Hall, Simpson College, Indianola, IA.

This bill is exactly the same as the bill that passed both the House and Senate in 1994 but died in conference due to the end of the session. The only changes made were to the effective dates. I am happy to be a part of preserving this important part of American history and urge my colleagues to join me in the effort.●

ADDITIONAL COSPONSORS

S. 173

At the request of Mr. NICKLES, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 173, a bill to provide for restitution of victims of crimes, and for other purposes.

S. 295

At the request of Mrs. KASSEBAUM, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 295, a bill to permit Labor management cooperative efforts that improve America's economic competitiveness to continue to thrive, and for other purposes.

S. 581

At the request of Mr. FAIRCLOTH, the names of the Senator from Mississippi [Mr. COCHRAN], the Senator from Wyoming [Mr. SIMPSON], and the Senator from Georgia [Mr. COVERDELL] were added as cosponsors of S. 581, a bill to amend the National Labor Relations Act and the Railway Labor Act to repeal those provisions of Federal law that require employees to pay union dues or fees as a condition of employment, and for other purposes.

S. 592

At the request of Mrs. HUTCHISON, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 592, a bill to amend the Occupational Safety and Health Act of 1970 and the National Labor Relations Act to modify certain provisions, to transfer certain occupational safety and health functions to the Secretary of Labor, and for other purposes.

S. 628

At the request of Mr. KYL, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 628, a bill to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers.

S. 684

At the request of Mr. HATFIELD, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 684, a bill to amend the Public Health Service Act to provide for programs of research regarding Parkinson's disease, and for other purposes.

S. 743

At the request of Mrs. HUTCHISON, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 743, a bill to amend the Internal Revenue Code of 1986 to provide a tax credit for investment necessary to revitalize communities within the United States, and for other purposes.

S. 1028

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 1028, a bill to provide increased access to health care benefits, to provide increased portability of health care benefits, to provide increased security of health care benefits, to increase the purchasing power of individuals and small employers, and for other purposes.

S. 1039

At the request of Mr. ABRAHAM, the name of the Senator from Oklahoma [Mr. INHOFE] was added as a cosponsor of S. 1039, a bill to require Congress to specify the source of authority under the United States Constitution for the

enactment of laws, and for other purposes.

S. 1183

At the request of Mr. HATFIELD, the names of the Senator from Ohio [Mr. GLENN], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of S. 1183, a bill to amend the Act of March 3, 1931 (known as the Davis-Bacon Act), to revise the standards for coverage under the Act, and for other purposes.

S. 1247

At the request of Mr. GRASSLEY, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 1247, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for contributions to a medical savings account by any individual who is covered under a catastrophic coverage health plan.

S. 1379

At the request of Mr. SIMPSON, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 1379, a bill to make technical amendments to the Fair Debt Collection Practices Act, and for other purposes.

S. 1423

At the request of Mr. GREGG, the names of the Senator from Wyoming [Mr. THOMAS] and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of S. 1423, a bill to amend the Occupational Safety and Health Act of 1970 to make modifications to certain provisions, and for other purposes.

S. 1491

At the request of Mr. GRAMS, the names of the Senator from Delaware [Mr. ROTH] and the Senator from Arizona [Mr. KYL] were added as cosponsors of S. 1491, a bill to reform antimicrobial pesticide registration, and for other purposes.

S. 1501

At the request of Mr. COHEN, the names of the Senator from New Jersey [Mr. BRADLEY] and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of S. 1501, a bill to amend part V of title 28, United States Code, to require that the Department of Justice and State attorneys general are provided notice of a class action certification or settlement, and for other purposes.

S. 1505

At the request of Mr. LOTT, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1505, a bill to reduce risk to public safety and the environment associated with pipeline transportation of natural gas and hazardous liquids, and for other purposes.

S. 1506

At the request of Mr. LEVIN, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of S. 1506, a bill to provide for a reduction in regulatory costs by maintaining Federal average fuel economy standards applicable to automobiles in effect at current levels until changed by law, and for other purposes.

S. 1524

At the request of Mr. LAUTENBERG, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 1524, a bill to amend title 49, United States Code, to prohibit smoking on any scheduled airline flight segment in intrastate, interstate, or foreign air transportation.

S. 1568

At the request of Mr. HATCH, the names of the Senator from Washington [Mrs. MURRAY] and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of S. 1568, a bill to amend the Internal Revenue Code of 1986 to provide for the extension of certain expiring provisions.

S. 1575

At the request of Mr. LAUTENBERG, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 1575, a bill to improve rail transportation safety, and for other purposes.

SENATE JOINT RESOLUTION 49

At the request of Mr. KYL, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of Senate Joint Resolution 49, a joint resolution proposing an amendment to the Constitution of the United States to require two-thirds majorities for bills increasing taxes.

SENATE CONCURRENT RESOLUTION 42

At the request of Mrs. KASSEBAUM, the names of the Senator from New Mexico [Mr. DOMENICI] and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of Senate Concurrent Resolution 42, a concurrent resolution concerning the emancipation of the Iranian Baha'i community.

SENATE RESOLUTION 152

At the request of Mr. ABRAHAM, the name of the Senator from Oklahoma [Mr. INHOFE] was added as a cosponsor of Senate Resolution 152, a resolution to amend the Standing Rules of the Senate to require a clause in each bill and resolution to specify the constitutional authority of the Congress for enactment, and for other purposes.

SENATE RESOLUTION 215

At the request of Mr. LAUTENBERG, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of Senate Resolution 215, a resolution to designate June 19, 1996, as ''National Baseball Day.''

SENATE RESOLUTION 217

At the request of Mrs. KASSEBAUM, the names of the Senator from Kentucky [Mr. FORD], the Senator from Texas [Mrs. HUTCHISON], the Senator from Alaska [Mr. MURKOWSKI], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Vermont [Mr. LEAHY], and the Senator from Florida [Mr. MACK] were added as cosponsors of Senate Resolution 217, a resolution to designate the first Friday in May 1996, as ''American Foreign Service Day'' in recognition of the men and women who have served or are presently serving in the American Foreign Service, and to honor those in the American Foreign Service who have given their lives in the line of duty.

SENATE RESOLUTION 228—CONDEMNING TERROR ATTACKS IN ISRAEL

Mr. HELMS (for himself, Mr. PELL, Mr. DOLE, Mr. DASCHLE, Mr. LIEBERMAN, Mr. LAUTENBERG, Mr. DODD, Mr. MACK, Mrs. FEINSTEIN, Mr. BIDEN, Mrs. KASSEBAUM, Mr. SARBANES, Mr. THOMAS, Mr. GRAMS, Mr. LUGAR, Mr. D'AMATO, Ms. SNOWE, Mr. ASHCROFT, Mr. FEINGOLD, Mr. MOYNIHAN, Mr. BRADLEY, Mr. LEVIN, Mr. SPECTER, Mr. SANTORUM, and Mr. WELLSTONE) submitted the following resolution; which was considered and agreed to:

S. RES. 228

Whereas on February 25, 1996, two vicious terror attacks in Jerusalem and Ashkelon killed two American citizens and 23 Israelis, and wounded dozens more;

Whereas the Gaza-headquartered terrorist organization ''Hamas'' claimed credit for the attack;

Whereas in 1995, 47 innocent Israeli and American citizens were killed in Palestinian terror attacks;

Whereas since the signing of the Declaration of Principles between Israel and the PLO on September 13, 1993, 168 people have been killed in terrorist acts, 163 Israelis and five American citizens;

Whereas the Gaza-based ''Hamas'' terror group and Damascus-based Palestinian Islamic Jihad and Popular Front for the Liberation of Palestine terror groups have claimed responsibility for the majority of those terror attacks;

Whereas the PLO, the Palestinian Authority and Yasser Arafat have undertaken on repeated occasions to crack down on terror and bring to justice those in areas under their jurisdiction who commit acts of terror;

Whereas notwithstanding such undertakings and some improvements in Palestinian efforts against terrorism, the vast majority of terror suspects have not been apprehended, or if apprehended, not tried or punished, and no terror suspects requested for transfer have been transferred to Israeli authorities by Palestinian authorities in direct contravention of agreements signed between the PLO and Israel;

Whereas the governments of Iran, Syria and Lebanon continue to provide safe haven, financial support and arms to terror groups such as Hamas, Islamic Jihad, or Hezbollah among others, and have in no way acted to restrain such groups from committing acts of terrorism;

Whereas failure to act against terrorists by the Palestinian Authority, Syria and others can only undermine the credibility of the peace process: Now, therefore, be it

Resolved, That the Senate—

(1) condemns and reviles in the strongest terms the attacks in Jerusalem and in Ashkelon;

(2) extends condolences to the families of all those killed, and to the Government and all the people of the State of Israel;

(3) calls upon the Palestinian Authority, the elected Palestinian Council and Chairman Arafat to act swiftly and decisively to apprehend the perpetrators of terror attacks,

to do more to prevent such acts of terror in the future and to eschew all statements and gestures which signal tolerance for such acts and their perpetrators;

(4) calls upon the Palestinian Authority, and Palestinian representatives in the elected Council to take all possible action to eliminate terrorist activities by Hamas, Palestinian Islamic Jihad, the Popular Front for the Liberation of Palestine, and all other such terror groups;

(5) urges all parties to the peace process, in order to retain the credibility of their commitment to peace, to bring to justice the perpetrators of acts of terrorism, and to cease harboring, financing and arming terror groups in all territories under their control; and

(6) urges the Clinton administration to act decisively and swiftly against those who continue to harbor, arm or finance terror groups seeking to undermine the peace process.

SENATE RESOLUTION 229—COMMEMORATING BLACK HISTORY MONTH AND CONTRIBUTIONS OF AFRICAN-AMERICAN UNITED STATES SENATORS

Mr. DOLE (for himself, Mr. DASCHLE, Mr. LAUTENBERG, Mrs. FEINSTEIN, and Mr. D'AMATO) submitted the following resolution; which was considered and agreed to:

S. RES. 229

Whereas Black History Month in 1996 is a fitting occasion to direct public attention to the many significant contributions which have been made by African-American citizens in government service to the people of the United States of America; and

Whereas 125 years ago on February 25, 1870, Republican Hiram Rhodes Revels of Natchez, Mississippi was seated as the first Black citizen to serve in the United States Senate; and

Whereas the service of Senator Revels, an ordained minister of the Christian Gospel, was distinguished by conscientious support for desegregated public education, reconciliation, equal political opportunity and veterans' benefits and by opposition to discrimination in government employment and political corruption; and

Whereas Blanche Kelso Bruce of Bolivar County, Mississippi, whose term commenced on March 5, 1875, became the first Black citizen to serve a full term in the U.S. Senate and distinguished himself by supporting equality in Western State land grants, desegregation in the U.S. Army, electoral fairness, equitable treatment of Native Americans and by opposing fraud and incompetence in governmental affairs; and

Whereas Edward William Brooke of Newton, Massachusetts on January 3, 1967 became the first Black citizen to be elected directly by the people to serve in the U.S. Senate (and then was re-elected), distinguished himself by supporting American history awareness, racial reconciliation initiatives, strengthened foreign relations, stronger higher education, improved veterans' benefits, affordable housing and the performing arts; and

Whereas Carol Moseley-Braun of Chicago, Illinois on January 3, 1993 became the first Black woman and the first Black member of the Democrat Party to be seated in the U.S. Senate and is currently distinguishing herself for her resolute commitment to equal opportunity in education, advocacy of women's and children's rights, support for business entrepreneurship, expanded economic opportunity, equity for family farmers and fiscal responsibility and for her forceful opposition to all forms of crime; and

Whereas on February 29, 1996 the African-American Alliance, the James E. Chaney Foundation, and Local 372 of District Council 37 of the American Federation of State, County and Municipal Employees, are sponsoring ceremonies in the U.S. Capitol Building to pay tribute to the pioneering legacy of these intrepid and highly esteemed role models: Now, therefore, be it

Resolved, That the United States Senate does hereby join in honoring these inspiring legislators and expresses profound gratitude for their innumerable substantive contributions to the pursuit of justice, fairness, equality and opportunity for all U.S. citizens.

SENATE RESOLUTION 230—RELATIVE TO THE SENIOR ARMY DECORATIONS BOARD

Mr. INHOFE (for himself, Ms. MOSLEY-BRAUN, and Mr. WARNER) submitted the following resolution; which was considered and agreed to:

S. RES. 230

Whereas black Americans served in the Armed Forces during World War II with heroism and distinction, often giving their lives to ensure United States victory in that war;

Whereas prevailing attitudes in the Armed Forces at that time often prevented appropriate recognition of the distinguished service of black Americans, particularly service meriting the award of the medal of honor;

Whereas in May 1993, the Secretary of the Army convened a study to review the processes and procedures used by the Department of the Army in awarding medals during World War II in order to determine whether racial bias and procedural violations resulted in medals not being awarded to black American members of the Army for their acts of distinguished or heroic service in that war;

Whereas the study recommended the review of the distinguished acts of 10 black American members of the Army in World War II in order to determine whether to recommend that the medal of honor be awarded to such members for such acts;

Whereas pursuant to subsection (d) of section 3744 of title 10, United States Code, the President may award a medal of honor to a person qualified for the medal, notwithstanding that the time for awarding the medal has otherwise expired under such section;

Whereas the award of the medal of honor to black Americans recommended by the Senior Army Decorations Board would reverse a past injustice; and

Whereas many family members, colleagues, and comrades of such black Americans, and a grateful Nation, have sought for more than 50 years proper and appropriate recognition for the distinguished actions of such black Americans: Now, therefore, be it

Resolved, That the Senate—

(1) commends the Secretary of the Army for convening a study to review the processes and procedures used by the Department of the Army in awarding medals for service in World War II in order to determine whether racial bias and procedural violations resulted in medals not being awarded to black American members of the Army for their acts of distinguished or heroic service in that war;

(2) commends the Senior Army Decorations Board for convening to review cases pertaining to certain black American members of the Army for their acts of conspicuous gallantry in that war; and

(3) urges the President, pursuant to section 3744(d) of title 10, United States Code, to endorse the recommendations of the Senior Army Decorations Board and bring to a close the long struggle for appropriate recognition of our heroic black American patriots.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that the nomination of Christopher M. Coburn to be a member of the U.S. Enrichment Corporation will be considered at the hearing scheduled for Tuesday, March 5, 1996 at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

For further information, please call Camille Heninger at (202) 224–5070.

SPECIAL COMMITTEE ON AGING

Mr. COHEN. Mr. President, I wish to announce that the Special Committee on Aging will hold a hearing on Wednesday, March 6, 1996, at 9:30 a.m., in room 562 of the Dirksen Senate Office Building. The hearing will discuss telemarketing scams against the elderly.

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a hearing before the Subcommittee on Forests and Public Land Management to receive testimony on S. 393 and H.R. 924, the Angeles National Forest Land Exchange Act.

The hearing will take place on Thursday, March 7, 1996 at 1 p.m. in room SD 366 of the Dirksen Senate Office Building in Washington, DC.

Those wishing to testify or who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Mark Rey of the subcommittee staff at 202–224–6170.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. LOTT. Mr. President, the Finance Committee requests unanimous consent to hold a hearing on the bipartisan proposal of the Governors on welfare and medicaid on Thursday, February 29, 1996, beginning at 10 a.m. in room SD–215.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on Thursday, February 29, 1996, at 10 a.m. in SD–226.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet beyond 2 p.m. and during

the session of the Senate on Thursday, February 29, 1996, to hold a hearing to review the operations of the Secretary of the Senate, the Sergeant at Arms and the Architect of the Caiptol, and to receive testimony on the establishment of a criteria for the Architect of the Capitol.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. LOTT. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, February 29, 1996 at 2:00 p.m. to hold a closed briefing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE RETIREMENT OF ADM. WILLIAM OWENS AND JROC

Mr. COATS. Mr. President, I rise today to recognize Adm. William A. Owens and his extraordinary efforts in developing the military's Joint Requirements Oversight Council, better known as JROC. Admiral Owens retires today after 33 years of service to our Nation, and as our military's third Vice Chairman of the Joint Chiefs of Staff—the second highest ranking officer in our Armed Forces.

As Vice Chairman, Admiral Owens defined the role of the JROC in the defense requirements planning process—a process that has seen little change from the cold war planning process instituted by former Defense Secretary McNamara in the 1960's. The JROC as a forum, and a process, is little known and even less understood. But I believe it is essential to leveraging the tremendous capabilities that can be gained through joint planning and operations. I believe it also signals the need for a fundamental change in the way America plans for its future defense. This need for change is not a challenge limited to the Defense Department, but rather will provoke many of us to reflect what means to be pro-defense today—in a daunting era of emerging new technologies, uncertainly over future threats, an expanding continuum of military operations, and scarce and competing resources.

The JROC evolved in response to these challenges. But the JROC was also largely motivated by the Goldwater-Nichols' Defense Reorganization Act of 1986. Goldwater-Nichols required the Chairman of the Joint Chiefs of Staff to conduct net assessments to determine our military capabilities. The act also required that the Chairman provide the Secretary of Defense with alternative program recommendations and budget proposals—recommendations alternative to decisions derived from business as usual.

To assist the Chairman in this role, Goldwater-Nichols created the position of the Vice Chairman, Joint Chiefs of Staff. As Vice Chairman for the past 2 years, Admiral Owens has chaired the JROC and its members—the Air Force and Army Vice Chiefs of Staff, the Vice Chief of Naval Operations, and the Assistant Commander of the Marine Corps. These senior military leaders now devote 10 to 15 hours each week to review issues generated by various joint warfighting capability assessments, or JWCA's. The JWCA's, which Admiral Owens initiated, comprehensively evaluate 10 distinct warfighting capabilities across military service lines. The purpose of these assessments is to enhance interoperability among programs and services, and to identify those new technologies, organizational changes, as well as deficiencies and redundancies, that will improve our military's warfighting capabilities.

Through his leadership and vision, Admiral Owens transformed the JROC into what it is today—a forum where our military's senior leadership undertakes the critical process of reviewing, debating and planning our military's future warfighting capability. The JROC has given our military service members a greater awareness of other services' programs, requirements and operations, as well as the capabilities required by each of the warfighting commanders. Because it comprehensively assesses the overarching military capability as a whole—compared to the well-rooted program by program review of the past—the JROC can better assess how much warfighting capability is enough and how much redundancy is acceptable.

The JROC is in a state of evolution and its recommendations will not always be popular. But what's remarkable about the JROC is its ability to address military requirements across service lines—across the lines of parochialism that have, in the past, inhibited the military's move toward greater jointness, to greater effectiveness and to greater efficiencies. Admiral Owens and the JROC have been a catalyst for moving defense planning away from business as usual—shifting the focus of the defense debate away from defense spending levels, and move toward a process that collectively addresses a kaleidoscope of defense challenges, and will ensure that defense investment decisions and force structure changes are wise, attainable and affordable.

At one of our last meetings, Admiral Owens left with me a booklet entitled ''New York Habits for a Radically Changing World.'' There is one particular quote in this book which perhaps best captures Admiral Owens' concern and vision for the future of our armed forces. I quote:

> Organizations can't stop the world from changing. The best they can do is adapt. The smart ones change before they have to. The lucky ones manage to scramble and adjust when push comes to shove. The rest are losers, and they become history.

Our Nation owes a debt of gratitude to Admiral Ownes for effecting change before it was compelled, and for his stewardship in ensuring our Armed Forces are well-equipped, well-trained, and well-prepared in this century and beyond.●

TAYLOR MIDDLE SCHOOL NAMED BLUE RIBBON SCHOOL

● Mr. BINGAMAN. Mr. President, I rise today to recognize the outstanding achievements of Taylor Middle School in Albuquerque, NM. On February 8, 1996, U.S. Secretary of Education Richard Riley named Taylor Middle School a blue ribbon school, the highest honor for a school in our Nation. One of 266 recipients nationwide and the only recipient in New Mexico, Taylor Middle School deserves to be commended.

Taylor Middle School, a charter school, uses an interdisciplinary team approach in which both the teachers and the parents are catalysts for the educational development of their children. The school is using a revolutionary middle school philosophy in which the students are learning and the teachers are being taught. Taylor is using both special education and regular education teachers to work with the entire student body enabling a more supportive learning environment.

Secretary Riley recognized that Taylor Middle School offers a challenging and rigorous academic approach to learning in a safe, disciplined and drug-free environment. This school is an outstanding example of an academic institution that is using its own resources to work toward the National Education Goals. Taylor Middle School is an outstanding model for New Mexico's schools and schools across our Nation.

Mr. President, I would like to commend Taylor Middle School, its students, its staff, and the parents who have formed a partnership to create a healthy and effective learning environment.●

CONGRATULATING PAULINE D. GATT ON BEING NAMED SECRETARY OF THE YEAR BY THE MACOMB CHAPTER OF PROFESSIONAL SECRETARIES

● Mr. ABRAHAM. Mr. President, I rise today to congratulate and pay tribute to Pauline Gatt for receiving the Macomb Chapter of Professional Secretaries [PSI] Secretary of the Year Award. Ms. Gatt started her secretarial career after graduating from high school. She then went on to obtain her stockbroker and insurance licenses and earn her certified professional secretary designation. Currently, she is executive secretary to Joseph R. Grewe, president of Masco Tech Sintered Components in Auburn Hills.

Pauline joined PSI in 1994 and has been a very active member of the Macomb Chapter. She has served on several committees, both as leader and

a member. Pauline is currently team leader of the certified professional secretary [CPS] membership committee and spearheading the seminar and publicity committee for the Michigan division annual meeting. She also serves as proctor for the biannual CPS exams at Macomb Community College in Fraser.

Throughout such a busy career, Pauline has found time to marry Mr. William Gatt and raise their 4-year-old son, James Gatt. Her example should serve as an inspiration to all of us concerning what we can accomplish. On behalf of all Michigan residents, I would like to wish Pauline all the best and congratulations.●

BLACK HISTORY MONTH

● Mr. KERRY. Mr. President, as Black History Month, 1996, draws to a close, we have had an extraordinary opportunity to remember African-Americans who have changed America. We find our Nation more culturally enriched in the arts, in film and theater, in literature and music, in the humanities, the sciences, in our military and political history, in education, communications, and civil rights because of the contributions of African-Americans. But the most compelling stories are of the earliest African-American leaders who are among America's greatest heroes. They struggled and succeeded in the face of slavery and against the odds, and rose above the extraordinary prejudice and hatred of the 19th century to have a lasting impact on the cultural, social, and spiritual fabric of America. To name just a few: poets like Phillis Wheatley, a Massachusetts native and the first African-American woman to have her poetry published; Crispus Attucks, said to be the first person killed in a Boston battle that presaged the Revolutionary War; and the soldiers of the 54th Massachusetts Regiment, the first African-American unit in the Civil War who were memorialized in the film, ''Glory,'' and in a statue on Boston Common are not heroes to just African-Americans, but heroes to every American.

Their stories are part of this Nation's lexicon and should be as commonly known as the story of another Massachusetts native, Paul Revere, but they are not. That is one of the reasons that, 20 years ago, Black History Month formalized a 70-year-old celebration begun in 1926 by Dr. Carter Woodson, the father of black history. Dr. Woodson set aside a special time in February to celebrate the achievements and contributions of African-Americans and the rich traditions and proud heritage of those who contributed so much to the building of this Nation.

But, as we celebrate we must also recognize that the contributions of African-Americans serve as a bridge over the troubled waters of economic insecurity. Their struggle and achievements in the face of incredible odds give us hope when we see that struggle for freedom, and equal justice has become an economic as well as a social struggle that finds hard working, self-reliant, responsible African-Americans looking for a good job at a liveable wage. The economic disparity between African-Americans and the rest of America is disproportionate. I know that African-Americans in Massachusetts—from Roxbury to Lowell, from New Bedford to Springfield—are working harder and harder, like all Americans, without receiving a raise, struggling to get the skills they need, and trying to educate themselves and their families, and some are falling further and further behind.

So, this month, in recognizing the importance of African-American heroes and their contribution to the history of America, we must not only reaffirm our commitment to civil rights and equal opportunity but to building an opportunity economy that provides for a better paying job, decent benefits, and a chance for their children to make more and do better in a world that judges them as Martin Luther King said, ''on the content of their character.'' Black History Month is one more important step in tearing down the economic, social, and cultural walls that divide us and bridging the racial gaps between us. As we approach the 21st century, this will be one of our greatest challenges.●

TRIBUTE TO BLUE RIBBON SCHOOLS

● Mrs. HUTCHISON. Mr. President, I am here today to celebrate the achievements of the 27 schools from my State that were awarded the Department of Education's prestigious Blue Ribbon Award. The Blue Ribbon Award signifies excellence in education and calls attention to remarkably successful public and private schools.

Blue ribbon schools display the superior qualities that are necessary to prepare our young people for the challenges of the next century. The recognized schools serve as models for other schools and communities seeking to provide high quality education for their students. This year 266 secondary, junior high, and middle schools will be presented with the Blue Ribbon Award.

After a vigorous screening process by each State Department of Education, a panel consisting of 100 outstanding educators and other professionals reviews the nominations, and selects the most promising schools for a site visit. After the schools have been visited, the panel considers the reports and forward its final recommendations to Secretary Riley, who then reveals the names of the schools selected for recognition.

It is my honor and privilege to identify the following 27 Texas schools selected to receive a Blue Ribbon Award: Klein Oak High School, Plano Senior High School, Renner Middle School, Forest Meadow Junior High School, Strickland Middle School, Forest Park Middle School, Mayde Creek High School, Groesbeck Middle School, Lawrence D. Bell High School, Grapevine Middle School, Spring Forest Middle School, Spring Oaks Middle School, Northbrook Middle School, James E. Taylor High School, Westwood High School, Noel Grisham Middle School, Travis Middle School, Socorro High School, Lubbock High School, Lackland Junior-Senior High School, Georgetown High School, Coppell Middle School West, Edward S. Marcus High School, Booker T. Washington High School for Performing and Visual Arts, Crookett Middle School, Carroll High School, and Carroll Middle School. They are clearly among the most distinguished schools in the Nation with a persistent commitment to excellence in education.

I am elated that of all the schools selected from the entire United States, 10 percent are in Texas. Their achievements stand as positive testimony to the dedication, pride, and devotion to responsibility of the students, teachers, administrators, and parents at each of these blue ribbon schools.●

CHARACTER COUNTS WEEK

● Mr. LIEBERMAN. Mr. President, in my home State of Connecticut and across the Nation, something very positive is happening. Every day we hear about crime and violence committed by youth, teenage pregnancy, falling test scores and a host of other indications that the fabric of our society is fraying. These are problems that certainly need to be addressed. But today I would like to talk about Character Counts, a program that has committed itself to the children of this Nation in an affirmative way that conveys the faith and optimism we have in our youth and the high expectations we have for them. I am very proud to be a part of this growing endeavor.

On yesterday, I joined with my colleagues in the introduction of a resolution to designate October 13–19, 1996 as this year's National Character Counts Week. Character Counts Week will focus attention on the importance of character education and mobilize participation in the program. Last year in Connecticut, almost 3,000 students and teachers from 75 towns attended a rally in Hartford kicking off Character Counts Week, and I know many other States have had an equally enthusiastic response to the promise of character education. I invite all Americans to join us in taking part in the character education of our young people as it is everyone's duty.

Character Counts emphasizes six values—trustworthiness, respect, responsibility, fairness, caring, and citizenship. These are values that we all hold in common; these values transcend religions, cultures, socio-economics, and generations. But these values need to be explicitly taught to our children and reinforced and reflected in the way we live and in the way we shape our society. Character Counts does exactly

this—the program encourages participating schools to infuse their regular curriculum with the six core values. There is no set curriculum—schools create individualized programs to fit their needs. Character education can be quite simple—as one Connecticut educator commented, ''Any good teacher or good coach is probably doing it anyway.'' Character Counts spotlights and inspires these efforts.

A 1992 survey of 9,000 high school and college students conducted by the Josephson Institute of Ethics revealed that 65 percent felt that values should be taught in school because some parents fail to do so in the home, and 45 percent felt that character education should begin as early as kindergarten. This tells me that kids not only need guidance, because it is often not received at home, but that they want guidance. A responsible society will work together to fulfill this obligation.

Schools participating in the program have experienced a dramatic improvement in their behavioral problems. The Devereux Glenholme School in northwest Connecticut, the first school in the State to adopt Character Counts, saw a 50-percent drop in behavioral problems. And I know of at least three children in Connecticut who found sums of money, and instead of keeping it, turned it into the authorities. These children attributed Character Counts with helping them make the decision to turn in the money.

I believe that our youth reflect the broader society as it is revealed to them by adults and that they will rise to our expectations. If expectations of ourselves and of our children are low, then kids will fulfill those low expectations. If we communicate to our youth that they are bad kids, then they will be bad kids. If we recognize their potential for being good kids and then show them and teach them what it means to have character, then they will grow up to be adults of character, and it is our obligation to see that this happens. Character Counts helps us meet that charge.●

THE BAD DEBT BOXSCORE

● Mr. HELMS. Mr. President, a lot of folks don't have the slightest idea about the enormity of the Federal debt. Ever so often, I ask groups of friends, how many millions of dollars are there in a trillion? They think about it, voice some estimates, most of them wrong.

One thing they do know is that it was the U.S. Congress that ran up the enormous Federal debt that is now over $5 trillion. To be exact, as of the close of business Tuesday, February 27, the total Federal debt—down to the penny—stood at $5,016,697,045,327.39. Another sad statistic is that on a per capita basis, every man, woman, and child in America now owes $19,041.81.●

TRIBUTE TO VICE ADM. J.M. (MIKE) McCONNELL

● Mr. SPECTER. Mr. President, it is always an honor and a privilege to recognize the men and women of our Armed Forces who have diligently and faithfully maintained the security of this great Nation. We do this on Armed Forces Day and on Veteran's Day, but I believe everyone would agree that we do not recognize these individuals as frequently as their deeds would warrant. Today, I stand to recognize and pay tribute to one of the Nation's outstanding military leaders and unsung heroes, Vice Adm. Mike McConnell, Director of the National Security Agency [NSA], who will retire on March 1, 1996 after having unselfishly served his country for over 29 years.

Vice Admiral McConnell's life is truly an American success story. Being the product of humble roots, he attended Furman University in Greenville, SC, also the place of his birth, and was commissioned as a line officer in the Navy in 1967. He served tours in Vietnam, Japan, the Persian Gulf, and Indian Ocean as an intelligence officer before being nominated for flag rank and being selected as the Director for Joint Staff Intelligence, J–2. In this critical assignment, he served as the senior military intelligence advisor to the Secretary of Defense and the Chairman of the Joint Chiefs of Staff [CJCS]. Vice Admiral McConnell's leadership skills and expertise were immediately put to use to keep the Nation's senior policymakers informed of developments during the turmoil and revolutionary changes that swept the former Soviet Union during 1990. More important, however, were his contributions to the Nation during the 1991–92 Persian Gulf crisis. Vice Admiral McConnell's service to the Nation during the gulf war, which included keeping Gen. Colin Powell [CJCS] informed of all enemy activity, was instrumental in saving U.S. and coalition lives and directly contributed to bringing about a quick and decisive victory for allied forces. Realizing that Vice Admiral McConnell had much more to offer the Nation, the President recommended him for a two-star elevation to vice admiral and nominated him to serve as Director of the National Security Agency in 1992.

Vice Admiral McConnell's greatest contributions to the Nation were yet to come. Becoming NSA's 13th Director in May 1992, he committed himself to ensuring that the United States had the world's best cryptologic organization. Vice Admiral McConnell streamlined NSA's operations while ensuring that the Agency had the requisite skills and resources to meet the quickly evolving technological challenges that faced the Nation. His candor and openness with the Congress and its oversight committees helped ensure that the Nation's legislators were well informed of the Agency's operations and how taxpayer dollars were being spent. Realizing that NSA's support saves lives, he also ensured that the Agency provided matchless support to every major military operation undertaken by the United States during his tenure. Most importantly, he crafted a strategy that will enable NSA to ensure that its people will remain its most critical resource.

Mr. President, I close by stating that everyone who calls this great Nation home owed a debt of gratitude to Vice Admiral McConnell. He has quietly, yet dutifully, served the Nation during four different decades and under seven different Commanders in Chief. Those of us who have been fortunate enough to know him personally can attest to his dedication, peerless integrity, and unwavering loyalty to this Nation. It is with a sense of great pride and honor that I salute Vice Adm. Mike McConnell.●

GIRL SCOUTS AND BOY SCOUTS OF RHODE ISLAND

● Mr. CHAFEE. Mr. President, it is with pride that I present to you the outstanding individuals who have achieved the highest honors as a Girl Scout or Boy Scout. These young people possess qualities of leadership and hard work that distinguishes them from the rest.

Since the beginning of the century, the Girl Scouts and Boy Scouts have provided a positive outlet for young men and women to develop leadership skills, make new friends, explore new ideas, as well as gain a sense of self determination, self-reliance and team work.

The highest honors that can be received by a Girl Scout are the Gold and Silver Awards. These awards are presented to those Girl Scouts who have demonstrated their commitment to excellence, hard work and the desire to help their community. The Eagle Scout Award is the highest honor given to a Boy Scout. Recipients display outstanding leadership in outdoor skills, and in community service that is helpful to religious and school institutions.

It is with great honor that I congratulate the recipients of these awards. The accomplishments of these young people are certainly worthy of praise. The skills they have learned as Scouts will allow them to help the world become a better place.

We also pay tribute to the parents, Scout leaders, and Scouting organizations that have guided these young people to achieve such greatness. Without their time and energy none of this would be possible.

It is a privilege to submit to you the list of the young men and women who have earned these awards, so I ask that it be printed in the RECORD.

The list follows:

GIRL SCOUT GOLD AWARD RECIPIENTS FOR 1995

Cranston: Amanda Toppa.
East Greenwich: Kimberly Gaffney.
Johnston: Amy Crane, Bonnie Renfrew.
Kenyon: Kimberly Pierce.

North Providence: Heather Konicki.
Pawtucket: Tanya Coots, Heather Davis.
Portsmouth: Elizabeth Goltman, Julia Kohl, Janessa LeComte, Jennifer McLean, Bridget Sullivan.
Rehoboth, MA: Nicole Swallow.
Riverside: Cochetta Dolloff.
West Kingston: Cheryl Berker.
West Warwick: Heather LaBelle.
Wood River Junction: Shayna Horgan.
Woonsocket: Kimberly Hebert.

GIRL SCOUT SILVER AWARD RECIPIENTS FOR 1995

Barrington: Heather Bianco, Nicole Daddona, Caroline Danish, Alison Fodor, Emilie Hosford, Ashley Humm, Stephanie Mailloux, Carly Marsh, Amy Poveromo, Sarah Richardson, Adrian Schlesinger, Emily Wetherbee.
Carolina: Amanda Bouressa.
Cranston: Sara Carnevale, Shannon Corey, Louise Humphrey, Elizabeth Kronenberg, Sarah Lavigne, Stacey Lehrer.
Middletown: Jennifer Hancock, Elizabeth Jump, Amy Kobayashi, Marie Kobayashi, Sarah Peter, Aimee Saunders, Mary Saunders.
North Smithfield: Jessica Cavedon.
Narragansett: Caroline Cutting, Shauna Dickens, Katie Webster.
Newport: Andrea Innes, Meredith Innes, Jennifer Matheny.
Pawtucket: Amy Medeiros, Valerie Poisson, Brce Smith.
Richmond: Emily Hisey.
West Kingston: Michelle Berker.
Wakefield: Ruth Anderson.
Warwick: Bethany Ascoli, Lynn Summers.
Woonsocket: Danielle Auclair, Tina Brin, Jessica Cousineau, Sarah Doire, Diane Ferland, Alicia Gamache, Stephanie Joannette, Melanie Labrecque, Lynn Turner.

BOY SCOTTS OF AMERICA EAGLE SCOUT RECIPIENTS FOR 1995

Ashaway: Chris Dumas.
Barrington: Jonathan T. Belmont, George William Campbell, Morgan Huffman Densley, Scott D. Harrison, Patrick Charles Keenan, Matthew Joseph Stoeckle, Jonathan Larrison Vohr, Russell Aubin Wallis, Rory W. Wood.
Blackstone Massachusetts: Joseph E. Niemczyk.
Bristol: Jason M. Bloom.
Charlestown: Jesse Rhodes.
Chepachet: John F. Valentine, IV.
Cranston: Matthew Erik Anderson, Benjamin J. Caito, Peter W. Caito, Peter Eli Jetty, Michael R. Kachanis, Anthony Mangiarelli, Christopher N. Reilly, Bryan Rekrut, Kevin A. Silva.
Coventry: Brian K. Martin, Matthew Walters.
Cumberland: Chad Michael Dillon.
East Greenwich: Christopher Joseph Cawley, John J. Doyle, Frederick W. Lumb, Kevin Allen Schwendiman, James M.R. Sloan.
Greene: Jeremy P. Skaling.
Greenville: Kenneth C. Collins, Charles Bradley Daniel, Scott E. Hopkins, Mark S. Wong.
Harrisville: Steven B. Mendall, Jr.
Hope: Stephen Raymond Pratt, Jr., Steven Etchells.
Hope Valley: Andrew J. Horton.
Hopkinton: James Romanski, Corey Small.
Jamestown: Scott E. Froberg, Alan D. Weaver, Jr.
Johnston: Neal R. Bradbury, Edward Albert Darragh, William P. DeRita, III, Michael L. Porter, Jr., Guy S. Shaffer.
Manville: Jason Michael Allen, David Raymond Levesque.
Middletown: Todd Michael Fisher, Michael A. Henry, Luke Allen Magnus, Eric Oldford, Brian J. Paquin, Jason F. Soules, Aaron M. Wilbur.
Millville, Massachusetts: Jeffrey Dean.
Narragansett: Matthew W. Maruska.
Nasonville: Brian D. Lafaille.
Newport: Aaron Hauquitz, Douglas Everett Jameson.
North Attleboro, Massachusetts: Raymond Gauthier, Jr.
North Dighton, Massachusetts: Joshua N. Labrie.
North Kingston: William C. Mainor, Walter E. Thomas, IV, John T. Walsh, III.
North Providence: Kevin M. Brault, Matthew William Thornton.
North Scituate: Thomas D. Alberg, Paul L. Carlson, Peter Charles Carlson, Matthew P. Koehler.
North Smithfield: James E.K. Doherty.
Pawcatuck, Connecticut: Patrick K. Cryan, James D. Spaziante.
Pawtucket: Dominic Chirchirillo, III, Ramiro Antonio Dacosta, Peter Fleurant, Albert Joseph Prew, Joseph Edward Sullivan, Joshua Brian Waldman.
Portsmouth: Jeremy Sawyer Brown, Benjamin Gorman, Kent D. Rutter, Colin B. Smith.
Providence: John James Joseph Banks, Matthew Charles Bastan, Luke C. Doyle, Andrew Frutchey, Christopher A. Goulet, Patrick J. Horrigan, Vincent R. Iacobucci, Jr., Adam Ryan Moore, Thomas J.W. Parker, Peter Scheidler, Jr.
Rumford: Tony Poole.
Seekonk, Massachusetts: Nathanael J. Greene, Brett Marcotte, Jeffrey C. McCabe, Christopher R. Nicholas, William J. Wood, Jr.
Smithfield: Brian P. Breguet, Michael J. Hogan, Nathan Moreau, Colin M. Segovis.
Sutton, Massachusetts: Matthew John Zell.
Uxbridge, Massachusetts: Brian M. Zifcak.
Warren: William Garcia.
Warwick: Ryan W. Arnold, Steven L. Bailey, Christopher A. Bissell, James R. Caddell, Jr., Fred Crossman, Jr., Joseph G. Diman, Ian T. Fairbairn, Sean R. Guzeika, Matthew L. Lutynski, Michael Marseglia, Andrew P. McGuirl, Adam J. Morelli, Matteo D. Morelli, Gerald Theroux, Bradley Thompson, Robert A. Wilcox.
Westerly: Shane Matthew Belanger, Vincent Anthony Fusaro.
West Kinston: Benjamin T. Brillat, Jacob Casimir Sosnowski.
West Warwick: Linton S. Wilder, IV, Frank M. Caliri.
Woonsocket: Adam Christopher Crepeau, Dominique Doiron.●

AGREEMENT TO CREATE TV RATING SYSTEM

● Mr. LIEBERMAN. Mr. President, a popular TV show in the 1960's, The Outer Limits, began each episode with these words: Do not attempt to adjust your television set. We control the horizontal. We control the vertical. . .

Those words symbolized the kind of control the TV industry has had over what viewers could watch in living rooms all across the country. For a long time, we didn't mind, as TV offered plenty of quality shows, with a few inoffensive bombs sprinkled in here and there.

But in recent years, the domination of the broadcast industry over what we see on TV has grated on the sensibilities of the American people, especially as TV has gone beyond the outer limits of good taste and decency, and into a twilight zone of immorality and degradation.

The Outer Limits TV show ended each week with the announcer telling viewers, ''We now return control of your television set,'' and that is what has begun to happen today.

This is an historic day for millions of American families. The major television networks and the people responsible for most of what we see on TV have agreed to create a rating system for their programs. This rating system will be compatible with the V-chip that television sets will carry in the near future. I would like to commend the entertainment industry leaders who have taken this step forward and agreed to implement a rating system and embrace the V-chip. I have no doubt that this will be seen as both a socially responsible and a good business decision in the long term. I have no illusions however, about how difficult it was for the entertainment leaders who met with the President to take this step.

Today's news means parents will have a new tool to use as they struggle to raise their children in a healthy, moral environment. Parents will be able to block out programs that they deem inappropriate for their children.

As co-sponsor of the V-chip legislation with Senator KENT CONRAD and Representative ED MARKEY, I am very pleased that the V-chip will soon become reality. President Bill Clinton deserves a lot of credit for making this major step forward possible. Beginning with his support for the V-chip last July, and continuing through his strong endorsement in the State of the Union Address, President Clinton, along with Vice President GORE, has helped move this issue front and center, and encouraged the television industry to abandon their opposition to ratings and the V-chip.

We all will be watching what the television industry does to implement this new rating system. I have some concerns about how the ratings will be structured, because the credibility of that system is essential if parents are going to be able to use and trust the V-chip. The ratings must be tough enough to allow parents to prevent their kids from seeing too much violence, sexual activity, vulgarity, and even sexual innuendo, which has inundated many prime time television shows in recent years. A Seinfeld or Friends episode about masturbation or orgasms might qualify for a PG rating in a movie theater but should get the equivalent of an R when it comes on at 8 o clock at night.

We must also guard against a rating system becoming a cover for even more inappropriate content in television programming. The parents of America will not stand still if the networks use the existence of ratings as an excuse to produce even more explicit and offensive shows.

But, if properly designed and widely used by parents, a rating system operating through a V-chip can change the economics of the television industry,

make quality programming more profitable than ever, and halt the current downward spiral in which the networks are too often competing with each other in a sleaze contest to capture their lucrative slice of a particular demographic pie.

Today, the V in V-chip stands for victory, and the struggle to reclaim our public airwaves from the sleaze which too often dominates what is broadcast will continue. Ratings alone do not solve the problem. You can rate garbage, but you haven't changed the fact that it is still garbage. As my friend BILL BENNETT said yesterday in a news conference we held with Senator NUNN and leaders from the Christian, Jewish, and Moslem organizations, a sign in front of a polluted lake does let you know that it's polluted, but it doesn't mean you can fish or swim in it. We need to clean up the polluted lake that is American television today, and take out the garbage.

There are some television programs that no rating will make acceptable. Last week, Sally Jessy Raphael put a 12-year-old girl on her stage—a girl who had been sexually victimized repeatedly by older men—and verbally abused her in front of a nationwide audience. That is a form of child abuse in itself, and it's totally unacceptable, rating or no rating.

That's the big, next task for the television industry—to use its incredible creative genius to bring us more programs that will elevate, not denigrate, our culture and our children.

There is probably no other force around that dominates the lives of young people in America today as thoroughly as television. Millions of children spend more time in front of a TV than they do talking with their parents, praying in church, or listening to their teachers.

The TV industry must do more to clean up their programs. Get rid of the violence that is still too pervasive, and damaging to impressionable young minds. Get rid of the gratuitous sex scenes, the common use of vulgarity, and the heavy sexual innuendo that dominates so many programs. You don't need to get down in the gutter to attract a big audience and make a profit. You do need to begin to draw a line, and say to yourselves and your producers, writers and actors—we won't go beyond that line, even if we can make more money, because it is wrong and it is bad for our country and our children.

One way the television networks can demonstrate they mean business when it comes to helping America and its parents is to adopt a code of conduct to govern their programming. They used to have active standards and practices divisions, but those divisions have been sub-standard and out-of-practice in recent years, and need to be bolstered and empowered by a strongly worded code of conduct that sets decent standards.

Another way the networks can show better corporate citizenship is to give us back the family hour. Give America's parents at least one hour at night when they can sit on the couch and watch TV with their children without fear of having their values insulted. Many parents, including my wife and I, have simply given up on network TV at night, choosing a family-oriented cable channel instead, or just reading or relaxing together. But tens of millions of families have no access to cable, and have little choice about what they can watch.

There is no law, no business imperative, no reason not to give the American people decent, quality programs from 8 pm to 9 pm every night. To paraphrase the line in Field of Dreams, air them, and we will come. We will watch good TV.

Mr. President, I am not a child of the information age. I am a child of the television age. I was raised watching TV, and I have watched TV with three generations of my children. I love TV, but I am not happy with what TV has become.

It is not too late to reverse course. The degradation of America's culture can be stopped. We can't go back to the 1950's, but we can go back to a time of decency and quality television.

We celebrate today the news that the television industry will develop a rating system for its programs and support the V-chip that will give parents more power to control over what their children see on TV. And we encourage the television executives to see today as a beginning, not an end. A beginning to a new partnership with America's families.

''A rising tide raises all ships,'' President Kennedy said, in speaking of economic growth. The same can be said of the tide of cultural decency. American television can uplift our people, or it can degrade them. It can inspire, or it can dispirit. Today, we hope the tide has begun to shift. Will the rising tide be sustained? All we can say now, is, ''stay tuned.''●

TRIBUTE TO ORDER OF DEMOLAY

● Mr. GREGG. Mr. President, I am pleased to rise today to commend a group whose members make important daily contributions to many communities across the country, including the town of Bristol, NH.

The International Supreme Council, Order of DeMolay has spent the past 77 years supporting their communities by assisting young men between the ages of 12 and 21 become better sons, citizens, and leaders. The Order of DeMolay urges these young men to lead lives full of filial love, reverence, courtesy, comradeship, fidelity, cleanness, and patriotism. This organization should be commended for its unwavering commitment and contributions to this Nation, and for participating in the molding of today's young men for a better world of peace and brotherhood.

Mr. President, I ask that the Senate acknowledge the Order of DeMolay's meritorious service toward our families, communities, States, and Nation and I invite the citizens of the United States to recognize this organization's significant efforts in community harmony.●

ORDER OF BUSINESS

Mr. WARNER. Mr. President, on behalf of the distinguished majority leader, I shall now address the wrapup. I wish to inform the Chair, as well as all Senators, that each of these items has been cleared by the Democratic leader.

ORDERS FOR TUESDAY, MARCH 5, 1996

Mr. WARNER. First, Mr. President, I ask unanimous consent that at 9:30 a.m., on Tuesday, March 5, the Senate proceed to the consideration of the conference report to accompany H.R. 927, and that there be 2½ hours of debate on the conference report to be equally divided between the Senator from Georgia, Mr. COVERDELL, and the Senator from Connecticut, Mr. DODD, or their designees, and that following the debate the conference report be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I further ask unanimous consent that a vote occur on adoption of the conference report at 2:15 p.m., Tuesday, and that paragraph 4 of rule XII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I ask unanimous consent that it be in order for me to ask for the yeas and nays at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. WARNER. Mr. President, I ask unanimous consent that at 12 noon, Tuesday, March 5, the Senate resume the D.C. appropriations conference report, and there be 30 minutes equally divided in the usual form for debate on the cloture motion filed earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I further ask unanimous consent that the Senate stand in recess from 12:30 p.m., to 2:15 p.m., in order for the weekly party caucuses to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I ask unanimous consent that immediately following the 2:15 p.m., vote on Tuesday on the adoption of the Cuba conference report, the Senate proceed to the cloture vote with respect to the D.C. appropriations conference report, and that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE DISCHARGED AND REFERRED—S. 1577

Mr. WARNER. Mr. President, I ask unanimous consent that S. 1577, a bill to authorize appropriations for the National Historical Publications and Records Commission, be discharged from the Committee on Rules and referred to the Committee on Governmental Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations on the executive calendar: Calendar Nos. 472, 473, 474, 475, 476, 477, 478, and all nominations on the Secretary's desk in the Air Force, Army, and Navy.

I further ask unanimous consent that the nominations be considered en bloc; that the motions to reconsider be laid upon the table en bloc; that any statements relating to any of the nominations appear at the appropriate place in the RECORD; that the President be immediately notified of the Senate's action; and that the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the nominations were considered and confirmed, en bloc, as follows:

AIR FORCE

The following officers for appointment in the Reserve of the Air Force, to the grade indicated, under the provisions of title 10, United States Code, sections 8373, 12004, and 12203:

To be major general

Brig. Gen. Boyd L. Ashcraft, 000–00–0000, Air Force Reserve.

Brig. Gen. Jim L. Folsom, 000–00–0000, Air Force Reserve.

Brig. Gen. James E. Haight, Jr., 000–00–0000, Air Force Reserve.

Brig. Gen. Joseph A. McNeil, 000–00–0000, Air Force Reserve.

Brig. Gen. Robert E. Pfister, 000–00–0000, Air Force Reserve.

Brig. Gen. Donald B. Stokes, 000–00–0000, Air Force Reserve.

To be brigadier general

Col. John L. Baldwin, 000–00–0000, Air Force Reserve.

Col. James D. Bankers, 000–00–0000, Air Force Reserve.

Col. Ralph S. Clem, 000–00–0000, Air Force Reserve.

Col. Larry L. Enyart, 000–00–0000, Air Force Reserve.

Col. Jon S. Gingerich, 000–00–0000, Air Force Reserve.

Col. Charles H. King, 000–00–0000, Air Force Reserve.

Col. Ralph J. Luciani, 000–00–0000, Air Force Reserve.

Col. Richard M. McGill, 000–00–0000, Air Force Reserve.

Col. David R. Myers, 000–00–0000, Air Force Reserve.

Col. James Sanders, 000–00–0000, Air Force Reserve.

Col. Sanford Schlitt, 000–00–0000, Air Force Reserve.

Col. David E. Tanzi, 000–00–0000, Air Force Reserve.

Col. John L. Wilkinson, 000–00–0000, Air Force Reserve.

ARMY

The following-named officer for appointment to the grade of general in the U.S. Army while assigned to a position of importance and responsibility under title 10, United States Code, section 601(a):

To be general

Lt. Gen. Johnnie E. Wilson, 000–00–0000, U.S. Army.

NAVY

The following-named officer for appointment to the grade of Admiral in the U.S. Navy while assigned to a position of importance and responsibility under title 10, United States Code, sections 601 and 5035:

VICE CHIEF OF NAVAL OPERATIONS

To be admiral

Vice Adm. Jay L. Johnson, 000–00–0000

The following-named officer for appointment to the grade of vice admiral in the U.S. Navy while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. Vernon E. Clark, 000–00–0000.

The following-named officer for appointment to the grade of vice admiral in the U.S. Navy while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. (Selectee) Richard W Mies, 000–00–0000.

The following-named officer for appointment to the grade of vice admiral in the U.S. Navy while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. Dennis A. Jones, 000–00–0000.

MARINE CORPS

The following-named colonel of the U.S. Marine Corps Reserve for promotion to the grade of brigadier general, under the provisions of Section 5912 of Title 10, United States Code:

To be brigadier general

Col. Leo V. Williams III, 000–00–0000, USMCR.

IN THE AIR FORCE, ARMY, NAVY

Air Force nominations beginning James M. Abel, Jr., and ending Robert L. Williams, which nominations were received by the Senate and appeared in the Congressional Record of December 18, 1995.

Air Force nominations beginning Jonathan S. Flaugher, and ending Walter L. Bogart III, which nominations were received by the Senate and appeared in the Congressional Record of January 22, 1996.

Air Force nominations beginning Donald R. Smith, and ending James L. O'Neal, which nominations were received by the Senate and appeared in the Congressional Record of January 22, 1996.

Air Force nominations beginning Bradley S. Abels, and ending Mark A. Yuspa, which nominations were received by the Senate and appeared in the Congressional Record of January 22, 1996.

Air Force nominations beginning Joseph P. Anello, and ending Barbara T. Martin, which nominations were received by the Senate and appeared in the Congressional Record of January 22, 1996.

Air Force nominations beginning Edward A. Askins, and ending James L. Scott, which nominations were received by the Senate and appeared in the Congressional Record of January 22, 1996.

Air Force nominations beginning Andrea M. Andersen, and ending Bryan T. Wheeler, which nominations were received by the Senate and appeared in the Congressional Record of January 22, 1996.

Air Force nominations beginning Stephen W. Andrews, and ending Richard M. Zwirko, which nominations were received by the Senate and appeared in the Congressional Record of January 22, 1996.

Air Force nominations beginning Jeffrey K. Smith, and ending Lowry C. Shropshire, which nominations were received by the Senate and appeared in the Congressional Record of February 1, 1996.

Air Force nominations beginning Matthew D. Atkins, and ending Steven J. Youd, which nominations were received by the Senate and appeared in the Congressional Record of February 1, 1996.

Army nominations beginning Col. William G. Held, and ending Lt. Col. Patricia B. Genung, which nominations were received by the Senate and appeared in the Congressional Record of January 22, 1996.

Army nomination of Ricky J. Rogers, which was received by the Senate and appeared in the Congressional Record of February 1, 1996.

Army nominations beginning James C. Ferguson, and ending Michael M. Wertz, which nominations were received by the Senate and appeared in the Congressional Record of February 1, 1996.

Army nominations beginning Romney C. Andersen, and ending David F. Tashea, which nominations were received by the Senate and appeared in the Congressional Record of February 1, 1996.

Army nominations beginning Danny W. Agee, and ending Frank A. Wittouck, which nominations were received by the Senate and appeared in the Congressional Record of February 9, 1996.

Navy nominations beginning Charles Armstrong, and ending Winceslas Weems, which nominations were received by the Senate and appeared in the Congressional Record of January 22, 1996.

Navy nominations beginning Caleb Powell, Jr., and ending Paul T. Broere, which nominations were received by the Senate and appeared in the Congressional Record of January 22, 1996.

Navy nominations beginning Maurice J. Curran, and ending Kim M. Volk, which nominations were received by the Senate and appeared in the Congressional Record of February 1, 1996.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

REMOVAL OF INJUNCTION OF SECRECY—INVESTMENT TREATY WITH UZBEKISTAN, TREATY DOCUMENT 104–25

Mr. WARNER. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on February 28, 1996, by the President of the United

States: Investment Treaty with Uzbekistan, Treaty Document No. 104–25.

I further ask unanimous consent that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the Government of the United States of America and the Government of the Republic of Uzbekistan Concerning the Encouragement and Reciprocal Protection of Investment, with Annex, signed at Washington on December 16, 1994. I transmit also, for the information of the Senate, the report of the Department of State with respect to this Treaty.

The bilateral investment treaty (BIT) with Uzbekistan is designed to protect U.S. investment and assist the Republic of Uzbekistan in its efforts to develop its economy by creating conditions more favorable for U.S. private investment and thus strengthen the development of its private sector.

The Treaty is fully consistent with U.S. policy toward international and domestic investment. A specific tenet of U.S. policy, reflected in this Treaty, is that U.S. investment abroad and foreign investment in the United States should receive national treatment. Under this Treaty, the Parties also agree to international law standards for expropriation and compensation for expropriation; free transfer of funds related to investments; freedom of investments from performance requirements; fair, equitable, and most-favored-nation treatment; and the investor's or investment's freedom to choose to resolve disputes with the host government through international arbitration.

I recommend that the Senate consider this Treaty as soon as possible, and give its advice and consent to ratification of the Treaty, with Annex, at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 28, 1996.*

CONDEMNING TERROR ATTACKS IN ISRAEL

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 228, submitted earlier today by Senators HELMS, PELL, DOLE, and DASCHLE.

The PRESIDING OFFICER. The Clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 228) condemning terror attacks in Israel.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. HELMS. Mr. President, it is with profound regret that I feel obliged to offer another resolution condemning an act of terrorism in Israel.

Early this past Sunday, suicide bombers from the Palestinian terrorist group Hamas slaughtered 25 innocent human beings in two separate terrorist attacks. In Jerusalem, two young Americans, a young man and his financee, were among those who died.

Shock waves from the bomb blast reverberated around Jerusalem. I am confident that decent people the world over were dismayed.

Mr. President, we hear much oratory about the sacrifices that must be made for peace, but surely, however, there are mothers, fathers, and brothers and sisters throughout both Israel and America who are asking themselves how much more they must sacrifice; indeed when will they know peace?

When Yasser Arafat tours his new domain, when he pays condolence calls on the families of suicide bombers, does he ask himself what kind of man boards a crowded bus with pounds of explosive, specially packed with shards of metal to cause the maximum carnage?

Is Arafat willing himself to continue to be identified as the leader of such brutal men? If not, he must do more. Hamas and other such groups must be outlawed, and their members prosecuted to the fullest extent of the law.

For peace hangs in the balance. If Yasser Arafat expects Gaza and other areas under his control to be known as anything more than a breeding ground for terrorists, he must move swiftly, and decisively against the terrorists in his midst.

Only then can mourning Americans and Israelis believe that peace has real meaning.

Mr. PELL. Mr. President, I am pleased to join with the distinguished chairman of the Senate Committee on Foreign Relations—Senator HELMS—and others in submitting a resolution to condemn the recent terrorist attacks in Israel.

I have not doubt that all of my colleagues were as stunned and dismayed as I to learn about the horrifying bombings. All too often in the past several years, we have been forced to watch the gut-wrenching pictures on CNN of the Chaos, carnage, and misery of yet another terrorist bombing in Israel.

The frequency of these occurrences, however, does nothing to lessen their devastating impact. Each time a bombing occurs, the Israeli Government must reexamine its approach to security and its commitments to the Palestinians. The Israeli people again must come to grips with the fact that the peace has a heavy toll. The Palestinians must reaffirm that they are worthy of taking charge of their own destiny, and that they are living up to their commitments to end terrorism. And the United States must step back and ask yet again if we are doing the right thing.

As painful as these realities are, we must not let them obscure our interests in the Middle East peace process. Having just led a congressional delegation on a trip to the region—where Senators, ROBB, INHOFE, and I met with Prime Minister Peres and PLO Chairman Arafat among other—I have a renewed sense of the importance of the peace agreements between Israel and the Palestinians.

We must also remember that the perpetrators of these heinous bombings are in fact the enemies of peace, and more to the point, the enemies of those Palestinians who have committed themselves to peace with Israel. My own hope is that the world—and specifically the parties to the peace process—will not let them succeed in destroying the peace. While we must indeed hold Arafat's feet to the fire, and insist that he do more to stop terrorist acts, we must acknowledge the progress that the Palestinians have made to stop violence and terror. Clearly they have not yet succeeded, but we should not minimize the improvements they have made since signing their peace agreements with Israel.

Above all, this is a moment to commiserate with the families of the victims, to express our profound sorrow and regret to our ally, Israel, and to reaffirm our basic and fundamental commitment to the true success of the peace process. Our resolution intends to do just that, and I hope that the Senate will move to adopt the resolution as quickly as possible.

Mr. LIEBERMAN. Mr. President, I rise today to join with the leadership of the Foreign Relations Committee and of the Senate in cosponsoring Senate Resolution 228, a resolution condemning the recent terror attacks in Israel.

The heinous attacks in Jerusalem and Ashkelon on February 25 killed 25 people and wounded dozens more. A radical, crazy minority opposed to the peace process which is supported by most Israelis and Arabs has again taken innocent lives. The perpetrators and their supporters must be brought to justice.

Such cowardly attacks are always reprehensible. But these attacks truly brought home to us the horror of terrorism because the victims included two Americans, one of them from Connecticut. This is the second time in less than half a year that the hand of terrorism has struck someone from Connecticut.

In this case, Matt Eisenfeld—a wonderful young man, committed to the peace process, a student of the bible, exemplary of the best traditions—was struck down by cowards planting a bomb on a bus.

I am in awe of the strength of the Eisenfeld family of West Hartford at such a difficult time. They have been true to their principles and true to their son's principles and continue to support the movement toward peace in spite of the awful loss they have suffered. Let us hope that people of similar strength and good will among the Palestinians and the Israeli population will not be distracted and deterred by these violent acts.

Mr. BIDEN. Mr. President, I rise to condemn in the strongest possible terms this past Sunday's heinous bombings in Israel. I also wish to convey my heart-felt condolences to the families of the 23 Israelis and the 2 young Americans who lost their lives in these despicable acts.

Mr. President, many of us are asking the same questions that Israelis are asking in the wake of these attacks: why and for what end would someone commit such senseless acts of mass murder? We probably never will be able to penetrate the demented mind of a suicide-bomber to understand what causes that person to kill. But I think we all know the immediate aim of the bombers who struck on Sunday—it is to spread fear and terror in order to derail the peace process.

As hard as it is to comprehend, peace in the Middle East is actually perceived as a threat in some quarters. Coexistence, friendship, cooperation—all of these concepts are anathema to a small, extremist minority on both sides.

And Mr. President, I would submit that the vast majority of Palestinians—which does believe in these concepts—needs to stand up now to prevent its future from being stolen by the extremists. These extremists offer a version of the future that includes a return to the darkest days of the Arab-Israeli conflict. Indeed, they see renewed conflict as a necessary means to achieve their ultimate goal of destroying Israel.

Mr. President, if the Palestinians want a brighter future for their children—as I know they do—then they will need to stop these extremists in their tracks.

We stand ready, and I know that Israel stands ready, to provide whatever help the Palestinians need to win this fight. But they must be the ones to initiate a new all-out battle with the violent rejectionists.

Israelis have rejected the message and methods of extremists in their midst. Their democratically chosen institutions have been acting to thwart the designs of Israeli extremists.

Recently, the Palestinians have acquired their own democratically chosen institutions. It is time for those new institutions to be put to the test by employing their full might in a battle whose outcome will be historic for the Palestinian people and the middle east as a whole.

Mr. President, we cannot let Sunday's attackers achieve their goals. The peace process must continue. The two young American victims, Matthew Eisenfeld and Sarah Duker, whose future life together was so cruelly taken from them on Sunday, were committed to peace. We can best honor their memory by staying on the path that they had chosen.

Mr. WARNER. Mr. President, I ask unanimous consent that the resolution be agreed to; that the preamble be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the resolution (S. Res. 228) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 228

Whereas on February 25, 1996, two vicious terror attacks in Jerusalem and Ashkelon killed two American citizens and 23 Israelis, and wounded dozens more;

Whereas the Gaza-headquartered terrorist organization ''Hamas'' claimed credit for the attack;

Whereas in 1995, 47 innocent Israeli and American citizens were killed in Palestinian terror attacks;

Whereas since the signing of the Declaration of Principles between Israel and the PLO on September 13, 1993, 168 people have been killed in terrorist acts, 163 Israelis and five American citizens;

Whereas the Gaza-based ''Hamas'' terror group and Damascus-based Palestinian Islamic Jihad and Popular Front for the Liberation of Palestine terror groups have claimed responsibility for the majority of those terror attacks;

Whereas the PLO, the Palestinian Authority and Yasser Arafat have undertaken on repeated occasions to crack down on terror and bring to justice those in areas under their jurisdiction who commit acts of terror;

Whereas notwithstanding such undertaking and some improvements in Palestinian efforts against terrorism, the vast majority of terror suspects have not been apprehended, or if apprehended, not tried or punished, and no terror suspects requested for transfer have been transferred to Israeli authorities by Palestinian authorities in direct contravention of agreements signed between the PLO and Israel;

Whereas the governments of Iran, Syria and Lebanon continue to provide safe haven, financial support and arms to terror groups such as Hamas, Islamic Jihad, or Hezbollah among others, and have in no way acted to restrain such groups from committing acts of terrorism;

Whereas failure to act against terrorists by the Palestinian Authority, Syria and others can only undermine the credibility of the peace process: Now therefore be it

Resolved, That the Senate—

(1) condemns and reviles in the strongest terms the attacks in Jerusalem and in Ashkelon;

(2) extends condolences to the families of all those killed, and to the Government and all the people of the State of Israel;

(3) calls upon the Palestinian Authority, the elected Palestinian Council and Chairman Arafat to act swiftly and decisively to apprehend the perpetrators of terror attacks, to do more to prevent such acts of terror in the future and to eschew all statements and gestures which signal tolerance for such acts and their perpetrators;

(4) calls upon the Palestinian Authority, and Palestinian representatives in the elected Council to take all possible action to eliminate terrorist activities by Hamas, Palestinian Islamic Jihad, the Popular Front for the Liberation of Palestine, and all other such terror groups;

(5) urges all parties to the peace process, in order to retain the credibility of their commitment to peace, to bring to justice the perpetrators of acts of terrorism, and to cease harboring, financing and arming terror groups in all territories under their control; and

(6) urges the Clinton administration to act decisively and swiftly against those who continue to harbor, arm or finance terror groups seeking to undermine the peace process.

COMMEMORATING BLACK HISTORY MONTH AND CONTRIBUTIONS OF AFRICAN-AMERICAN UNITED STATES SENATORS

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 229, submitted earlier today by Senators DOLE and DASCHLE.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 229) commemorating Black History Month and contributions of African-American U.S. Senators.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Ms. MOSELEY-BRAUN. Mr. President, it is indeed the most profound honor and privilege to stand before the United States Senate today to commemorate the 126th anniversary of the election of the very first African-American ever to serve in these great Senate Chambers.

U.S. Senator Hiram Revels.

We are all of us indebted to this man, Mr. President—and to Senator Bruce and Senator Brooks who followed him. These leaders carried forth the dignity of black Americans, as they worked vigilantly inside these Chambers to open the opportunity of America to all Americans.

The past is always prolog. The history of the contributions of African-Americans is as much a part of the mosaic of America as any other. Indeed, the dream of black Americans resonates so powerfully, because it is an optimistic dream. Because it is about inclusion. Because it is about expanding opportunity. Because it breaks down the barriers that divide us.

The Declaration of Independence and our Constitution, the twin cornerstones of our Nation, eloquently set forth the kind of nation we all want. Think about the preamble of our Constitution. It states:

We the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide

for the common defense, promote the general welfare and secure the blessings of liberty to ourselves and our prosperity, do ordain and establish the Constitution for the United States of America.

With that elegant pronouncement, 39 white men laid down the tenants that would organize the Government for this, the greatest nation in the world. In so doing, they created a democracy which guides us still.

However, as Dr. Martin Luther King so wisely said, ''The Declaration of Independence is really a declaration of intent.'' In reality, the Constitution was more a statement of principles than a set of rules carved in stone. It took almost two centuries of struggle and testing to fulfill the promise of so lofty a pronouncement.

For one thing, the new Americans learned right away that ''We the people'' was a pretty exclusive group. It certainly did not include women. Women were not enfranchised into the body politic until the 19th amendment to the Constitution was adopted in 1920. Poor people were shut out, too. Most States required ownership of property for participation in elections. Nor were young people recognized until the 26th amendment was ratified in 1971, allowing 18-year-olds to vote. And certainly not the large population of slaves, who counted as three-fifths of a person, for purposes of the census, taxes, and representation.

As Congresswoman Barbara Jordan was wont to note: ''When the Constitution was completed in September 1787, I was not included in that 'We, the people.'''

All of this despite the noble proclamation:

> We hold these truths to be self-evident, that all men are created equal, that they are endowed by their creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted by men, deriving their just powers from the consent of the governed.

After the first Constitutional Convention, Benjamin Franklin was asked: ''What have you wrought?'' He answered: ''A Republic, if you can keep it.''

If we can keep it. Indeed it is a grand vision that has inspired generations of African-Americans to steward the Constitution so that this statement of intent shall be realized and turned into a reality that benefits all Americans. By contrast, a history which deliberately erases the sagas of blacks and women is no history at all—it is fiction—as flat and incomplete as a history that would leave out George Washington, Abraham Lincoln or any of these 39 men who founded our great country.

Worse, it has the ultimate mischief of misdirecting future activity that grows forth from that fraud. For the past is indeed prolog. A distorted past without texture and honesty misleads us all.

And so Congresswoman Barbara Jordan said, too, when she was seated in the House Chambers—

> Today I am an inquisitor. I believe hyperbole would not overstate the solemnness that I feel right now. My faith in the Constitution is whole, it is complete, it is total. I am not going to sit here and be an idle spectator to the diminution, the subversion, the destruction of the Constitution.

I say to you today, Mr. President, Congresswoman Jordan was honoring a tradition of paramount importance to our African-American ancestors. A tradition started by the man we honor today. Senator Hiram Revels, the very first African-American to serve in the Senate, representing the great State of Mississippi during Reconstruction.

Senator Revels was a courageous man for his time. How he grew from his ordinary roots to dedicate his life to public service, and contribute in such an extraordinary way to public policy in the Reconstruction era should show us all that every one of us really can make a difference.

Consider who he was. Born the son of free parents, Senator Revels started out in the ministry, preaching in the Midwestern and border States, and assisting fugitives from slavery. When the Civil War broke out, Revels was a school principal and a church pastor in Baltimore. He helped raise two regiments of African-American troops in Maryland, then moved on to St. Louis, MO, where he established a school for freed men.

The following year, in 1864, Revels joined the Union Army and served as chaplain assigned to an Army regiment of African-Americans stationed in Mississippi. You heard me right. He served in a black regiment defending the Union in Mississippi.

Such courage as this is the foundation of our African-American ancestry.

By 1870, Revels had been elected to the Mississippi State Senate. But destiny tapped his shoulder when the Republican-dominated legislature elected Revels to the U.S. Senate, in anticipation of the State's readmission to representation in Congress.

It was in 1870, you will recall, and the 15th amendment granting citizens the right to vote regardless of race or previous condition of servitude, was finally passed. 1870. That is almost 100 years after the Constitution declared this country to exist for the protections of all people.

His victory was not without a fight. Sent to Washington, Senator Revels' credentials were immediately challenged. On the basis of the Dred Scott decision by the Supreme Court in 1857, which judged that persons of African-American descent were not U.S. citizens, he was accused of failing to satisfy the citizenship requirement to hold elected office in the Senate.

The debate over Senator Revels seat became increasingly bitter. For 2 days, his opponents offered up a caustic mix of racial epithets, inflammatory charges, and specious arguments in a futile effort to prevent the seating of the Nation's first black Senator.

As a result, this minister and school principal, this educator and spiritual leader, embarked on his career as a U.S. Senator defending the rights of other blacks to hold public office. His first debate was against an amendment to the Georgia readmission bill that prevented blacks from holding State office in Georgia, and from representing Georgia in either House of Congress. Prefacing his remarks, and I quote: ''With feelings which perhaps never before entered into the experience of any member of this body,'' Senator Revels declared that black citizens, ''ask but the rights which are theirs by God's universal law.'' And Senator Revels reminded his audience of the contributions that African-American troops had made to the war effort. Despite Senator Revels efforts, the Georgia readmission bill was enacted.

During 14 months of service in the Senate, Senator Revels spoke out against legislation to segregate public schools in the District of Columbia, and was instrumental in helping to integrate the work force at the Washington Navy Yard.

Although Senator Revels decided not to run for re-election, his short stay in the Senate paved the way for other African-American Senators to follow.

In fact, he opened the door of opportunity for the election of Senator Blanche Kelso Bruce in 1875, who became the first African-American to serve a full term in the U.S. Senate.

Though born a slave, Senator Bruce still believed in the guiding truth of the Constitution, and he dedicated his life to working for the inclusion of all under the arm of its protections. In an effort to support African-Americans seeking higher office, Senator Bruce championed the cause of Pinckney Pinchback, a Louisiana Republican who might have been this Nation's third black Senator but for a challenge to his seat. In his first speech in this Chamber, Senator Bruce vigorously defended Pinchback, and the Republican-dominated legislature which had elected him to the Senate. But it was to no avail.

During his 6-year term in the Senate, Senator Bruce served as chairman of a select committee charged with investigating the Freedman's Savings and Trust Co.—a federally chartered institution whose collapse threatened to impoverish thousands of black depositors. Through his efforts, investors were able to recover more than half of their deposits.

Senator Bruce made great contributions in the fight for inclusion during his one term in the Senate. However, despite the tremendous strides achieved during the Reconstruction era, in the late 1870's, ominous tactics of intimidation unbecoming of a great democracy were used to exclude African-Americans from full participation in the voting process. Lives were threatened, and lives were lost, when Afican-Americans dared to exercise their right to vote.

Both of these gentlemen clung to the promise of a republic, guided by a love

of liberty. And they did this, Mr. President, despite their direct exposure to a society that condoned slavery—and espoused the degradation of humanity—which characterized the popular will of their times. They did this because they hoped. Because they were determined that their hopes would not be in vain.

Even so, it was not for another 86 years—that's almost a century, Mr. President, a full century—until America elected another African-American to the U.S. Senate.

Not until the great surge of the civil rights era was the third African-American Senator elected; 1967 was the year, and the American politics had matured. For one thing, a change in the Constitution allowed for direct elections by the people, rather than elections or appointments by State legislatures.

Thus, it was a significant victory, Mr. President, when the people of Massachusetts, on their own volition, on the basis of their own vision and wisdom and depth of comprehension of America's political values elected Senator Edward Brooks to the U.S. Senate.

Senator Brooks was only the first African-American ever to win a Senate seat by direct election. With his victory, the American electorate showed that it had grown in its maturity. The people had a deeper connection to the meaning of ''We the People.'' They appreciated the value of inclusion for all peoples. They understood the great possibilities of allowing diversity to thrive in our Nation, and so they opened up the ranks of participation in leadership.

Senator Brooks served two terms until 1979. During his 12 years of service, Senator Brooks supported a number of measures aimed at healing the Nation's racial and economic divisions, including tax reform, fair housing legislation, the extension of the Voting Rights Act and Federal aid to education.

Each of these three gentlemen set a fine example of leadership that all Americans can be proud of. Each championed the cause of justice, democracy, and liberty for all. And perhaps most notably, each one of them avowed that one day, one day the promise of America would be a reality for all Americans.

Mr. President, I stand on the floor of this most powerful legislative body, and I am only the fourth American of African descent to serve in the U.S. Senate. The fourth ever. And the only one serving today.

But I want to tell you that I share the hopes of my ancestors, too. When the Senate convened for the first time, we met in the old Senate Chamber, and I searched out the desk of my predecessor from Illinois who would actually have been seated in that Chamber.

It was the seat of Stephen Douglas. You may recall that Abraham Lincoln debated Stephen Douglas in the late 1850's, and the famous Lincoln-Douglas debate sharpened the focus of the clouds of war on the horizon. Lincoln, not at that point an abolitionist, argued the question of the Douglas legislation, the Kansas-Nebraska Act, which would make the extension of slavery into the territories a matter to be decided by referendum. Lincoln thought slavery was best confined where it already existed, and made the moral argument against human enslavement as the basis for his opposition to its extension. Douglas defended his bill. Douglas won the election to the Senate. When I sat in that seat for the first time, I made sure I was well positioned in it.

How very different our times might have been—had the outcomes of their conflict been different. Through the crucible of a great civil war, our Nation redefined itself, to admit to citizenship those persons of color who were previously held as chattel. In his commitment to the Union, Lincoln held out a hope of freedom to those who, themselves, had never stopped hoping.

In his second inaugural address, Lincoln said with no small amount of anguish, ''With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in, to bind up the nations wounds, to care for him who shall have borne the battle and for his widow and his orphan, to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations.''

''Let us strive on to finish the work we are in * * *''

Lincoln was referring to the war between the States. But to African-Americans, the struggle against racism and for human dignity was to continue. Again, their contributions in that continuing struggle compel us today. Harriet Tubman and Frederick Douglass, W.E.B. DuBois and Booker T. Washington, Paul Lawrence Dunbar and James Weldon Johnson, Mary McCloud Bethane and S. Phillip Randolph, George Washington Carver and Jackie Robinson, Ida B. Wells and Mary Church Terrell, Langston Hughes, Ralph Bunche. Each name conjures a story of heroism, of patriotism, of hope.

We are today the product of their sacrifice, their labor, and their commitment to community. It is in the essential message of their contributions that we find guidance for out times. These people were great because they reached outside of themselves to define and serve the community as they hoped it would be. They saw, and enhanced the possibilities for America. They were protectors of the Constitution, cherishing and defending and promoting the promise of freedom. And in their many endeavors, they sought to guarantee that the value of liberty and the sanctity of human dignity would never be lost in this great Nation. They would not drop the flag because they believe in the Republic. They were stewards of the Constitution and the values it so eloquently established as the bedrock foundation of this country.

Dr. Kind once said, ''The arc of the moral universe is long, but it bends toward justice.'' African-Americans can take real pride in the fact that by our struggles for freedom, all people are made free. By our commitment and sacrifice, the weight of moral authority has helped bend that arc. By helping convert that Declaration of Intent into a firm reality, by insisting on a definition of community that is inclusive of all people and nurturing of human potential, we build the foundation for a 21st century that will move us beyond the painful struggles and lost talent which so sadly characterized our past.

There is a term in mathematics known as Vector addition. Simply stated it holds that you add forces working together and subtract forces working against each other. This formula is as true for society as it is for mathematics. If we can continue on the path to human dignity, and in the direction of the Declaration and Constitution together, we will reach the goals set out there. We will create the America that our ancestors prayed and died for.

We are not there yet.

Today, a lot of Americans want to believe that we have arrived. People now want to move away from the concept of inclusion, saying we need go no further. But remember that I am still the only African-American sitting in the Senate today, and I am the very first African-American woman to win election to the Senate in the history of the United States. Of the 1,827 Senators in the history of the United States, only 4 have been African-American. The numbers alone tell you where we are and how far we have to go.

I look forward to the day in American history when we will no longer have reason to take note how many women and African-Americans are in the Senate. I want to see that great day when ''We the People'' will include all Americans, that great day when skin color and ethnicity will not matter. Gender will not matter. The great day when the diversity that makes America so special in the history of the world will finally achieve this perfect union that our Forefathers envisioned.

We are, after all, in this together. Black and white, southern and northern, male and female, all these distinctions should point us to the real truth—that we are all created equal, and we are all one community. In our multi-color, multi-faceted, multi-dimensional diversity, we are all one people. And in that diversity lies our strength. When whites can take pride in the contributions of black Americans, and blacks can take pride in the history of white Americans, we can all be proud of our common heritage and common humanity.

And from that diversity we can stir the competitive pot, giving full play to the complete range of talent that 100 percent of our people—not just some of our people—can bring to bear on the challenges of our time.

When my own great State of Illinois rached beyond race and gender to embrace my candidacy, and carry me to an election triumph, they gave all of America a wonderful victory. It was first and foremost a victory for ''We the People,'' a resounding advancement and maturing of the American character, that it should promote leadership on the basis of individual contributions and vision, not on the basis of race and gender.

Yes indeed, the people of Illinois can be proud of the patriotism and love of country, which prompted this ultimate fulfillment of our Founding Fathers and mothers visions for what we could become. Like the people of Massachusetts who elected Senator Brooks before me, the victory was a mark of progress that all leadership and all participation. An act of inclusion that recognizes the worthiness of all facets of American life, and the need for all of America to benefit from that experience and expertise.

African-American history month is a celebration for all of us. It is not jsut for black children deprived of role models and heroes of their heritage. It is not just for white children, who are fed media images of African-Americans as drug dealers and gang bangers. It is a celebration for all of us, and a time for reflection on the kind of America we want to leave as our legacy. But most of all, it provides us with an opportunity for truth telling. Because there are tens of thousands of ordinary black Americans who have made significant contributions in the arts, literature, politics, science, business and community service. Most importantly of all, black history teaches that we all have a role to play in making this country great. We all had played a role in shaping the past, and we all have a role to play in shaping the future. All of us—African, Irish, Italian, Heinz 57 variety, we are all Americans and we will all individually and collectively make the decision today which will determine tomorrow.

That is why this salute to Hirim Revels, Blanche Bruce, and Ed Brooks is a salute to America and a celebration of the history of the contribution of Americans of African descent.

Mr. WARNER. Mr. President, I ask unanimous consent that the resolution be agreed to; that the preamble be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the resolution (S. Res. 229) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 229

Whereas, Black History Month in 1996 is a fitting occasion to direct public attention to the many significant contributions which have been made by African-American citizens in government service to the people of the United States of America; and

Whereas, 125 years ago on February 25, 1870, Republican Hiram Rhodes Revels of Natchez, Mississippi was seated as the first Black citizen to serve in the United States Senate; and

Whereas, the service of Senator Revels, an ordained minister of the Christian Gospel, was distinguished by conscientious support for desegregated public education, reconciliation, equal political opportunity and veterans' benefits and by opposition to discrimination in government employment and political corruption; and

Whereas, Blanche Kelso Bruce of Bolivar County, Mississippi, whose term commenced on March 5, 1875, became the first Black citizen to serve a full term in the U.S. Senate and distinguished himself by supporting equality in Western state land grants, desegregation in the U.S. Army, electoral fairness, equitable treatment of Native Americans and by opposing fraud and incompetence in governmental affairs; and

Whereas, Edward William Brooke of Newton, Massachusetts on January 3, 1967 became the first Black citizen to be elected directly by the people to serve in the U.S. Senate (and then was re-elected), distinguished himself by supporting American history awareness, racial reconciliation initiatives, strengthened foreign relations, stronger higher education, improved veterans' benefits, affordable housing and the performing arts; and

Whereas, Carol Moseley-Braun of Chicago, Illinois on January 3, 1993 became the first Black woman and the first Black member of the Democrat Party to be seated in the U.S. Senate and is currently distinguishing herself for her resolute commitment to equal opportunity in education, advocacy of women's and children's rights, support for business entrepreneurship, expanded economic opportunity, equity for family farmers and fiscal responsibility and for her forceful opposition to all forms of crime; and

Whereas, on February 29, 1996 the African-American Alliance, the James E. Chaney Foundation, and Local 372 of District Council 37 of the American Federation of State, County and Municipal Employees, are sponsoring ceremonies in the U.S. Capitol Building to pay tribute to the pioneering legacy of these intrepid and highly esteemed role models; Now, therefore, be it

Resolved that the United States Senate does hereby join in honoring these inspiring legislators and expresses profound gratitude for their innumerable substantive contributions to the pursuit of justice, fairness, equality and opportunity for all U.S. citizens.

MEASURE SEQUENTIALLY REFERRED—S. 1186

Mr. WARNER. Mr. President, I ask unanimous consent that when the Committee on Energy and Natural Resources reports S. 1186 regarding the Flathead Irrigation and Power Project, the bill be sequentially referred to the Committee on Indian Affairs for a period of 20 days, excluding days when the Senate is not in session; further, that if the Indian Affairs Committee has not reported the measure at the end of 20 session days, the bill be discharged from the committee and placed back on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

STAR PRINT—S. 1535

Mr. WARNER. Mr. President, I ask unanimous consent that the bill, S. 1535, be star printed with the changes that I understand are presently at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

URGING THE PRESIDENT TO ANNOUNCE THE RESULTS OF A REVIEW OF CASES OF GALLANTRY AND HEROISM BY BLACK AMERICANS DURING WORLD WAR II

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 230, submitted earlier today by Senator INHOFE, for himself and Senator CAROL MOSELEY-BRAUN.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 230) to urge the President to announce at the earliest opportunity the results of the Senior Army Decorations Board which reviewed certain cases of gallantry and heroism by black Americans during World War II.

The PRESIDING OFFICER. Is there objection to the consideration of the resolution?

There being no objection, the Senate proceeded to the consideration of the resolution.

Mr. WARNER. Mr. President, I ask unanimous consent that the Senator from Virginia [Mr. WARNER] be added as a cosponsor of S. Res. 230.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the resolution (S. Res. 230) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 230

Whereas black Americans served in the Armed Forces during World War II with heroism and distinction, often giving their lives to ensure United States victory in that war;

Whereas prevailing attitudes in the Armed Forces at that time often prevented appropriate recognition of the distinguished service of black Americans, particularly service meriting the award of the medal of honor;

Whereas in May 1993, the Secretary of the Army convened a study to review the processes and procedures used by the Department of the Army in awarding medals during World War II in order to determine whether racial bias and procedural violations resulted in medals not being awarded to black American members of the Army for their acts of distinguished or heroic service in that war;

Whereas the study recommended the review of the distinguished acts of 10 black

American members of the Army in World War II in order to determine whether to recommend that the medal of honor be awarded to such members for such acts;

Whereas pursuant to subsection (d) of section 3744 of title 10, United States Code, the President may award a medal of honor to a person qualified for the medal, notwithstanding that the time for awarding the medal has otherwise expired under such section;

Whereas the award of the medal of honor to black Americans recommended by the Senior Army Decorations Board would reverse a past injustice; and

Whereas many family members, colleagues, and comrades of such black Americans, and a grateful Nation, have sought for more than 50 years proper and appropriate recognition for the distinguished actions of such black Americans: Now, therefore, be it

Resolved, That the Senate—

(1) commends the Secretary of the Army for convening a study to review the processes and procedures used by the Department of the Army in awarding medals for service in World War II in order to determine whether racial bias and procedural violations resulted in medals not being awarded to black American members of the Army for their acts of distinguished or heroic service in that war;

(2) commends the Senior Army Decorations Board for convening to review cases pertaining to certain black American members of the Army for their acts of conspicuous gallantry in that war; and

(3) urges the President, pursuant to section 3744(d) of title 10, United States Code, to endorse the recommendations of the Senior Army Decorations Board and bring to a close the long struggle for appropriate recognition of our heroic black American patriots.

ORDERS FOR MONDAY, MARCH 4, AND TUESDAY, MARCH 5, 1996

Mr. WARNER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 11 a.m. on Monday, March 4, for a pro forma session only, and that immediately following the convening, the Senate stand in adjournment until 9:30 a.m., March 5, 1996, and that immediately following the prayer, the Journal of the Proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, and the time for the two leaders be reserved, at which time the Senate would proceed to the conference report to accompany H.R. 927, under a previous consent agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. WARNER. Mr. President, for the information of all Senators, the Senate will debate the Cuba conference report and the D.C. appropriations conference report on Tuesday morning, and two back-to-back votes will occur beginning at 2:15 p.m. on Tuesday. The first vote is on adoption of the Cuba conference report, and the second is on the third attempt to invoke cloture on the D.C. appropriations conference report. Consequently, the next rollcall votes will be 2:15 p.m. on Tuesday, March 5, 1996.

RECESS UNTIL 11 A.M., MONDAY, MARCH 4, 1996

Mr. WARNER. Mr. President, if there be no further business to come before the Senate, I ask that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 7:57 p.m., recessed until Monday, March 4, 1996, at 11 a.m.

CONFIRMATIONS

Executive nomination confirmed by the Senate February 29, 1996:

EXECUTIVE OFFICE OF THE PRESIDENT

BARRY R. MCCAFFREY, OF WASHINGTON, TO BE DIRECTOR OF NATIONAL DRUG CONTROL POLICY.

IN THE AIR FORCE

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE, TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 8373, 12004, AND 12203:

To be major general

BRIG. GEN. BOYD L. ASHCRAFT, 000–00–0000
BRIG. GEN. JIM L. FOLSOM, 000–00–0000
BRIG. GEN. JAMES E. HAIGHT, JR., 000–00–0000
BRIG. GEN. JOSEPH A. MCNEIL, 000–00–0000
BRIG. GEN. ROBERT E. PFISTER, 000–00–0000
BRIG. GEN. DONALD B. STOKES, 000–00–0000

To be brigadier general

COL. JOHN L. BALDWIN, 000–00–0000
COL. JAMES D. BANKERS, 000–00–0000
COL. RALPH S. CLEM, 000–00–0000
COL. LARRY L. ENYART, 000–00–0000
COL. JON S. GINGERICH, 000–00–0000
COL. CHARLES H. KING, 000–00–0000
COL. RALPH J. LUCIANI, 000–00–0000
COL. RICHARD M. MCGILL, 000–00–0000
COL. DAVID R. MYERS, 000–00–0000
COL. JAMES SANDERS, 000–00–0000
COL. SANFORD SCHLITT, 000–00–0000
COL. DAVID E. TANZI, 000–00–0000
COL. JOHN L. WILKINSON, 000–00–0000

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL IN THE U.S. ARMY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be general

LT. GEN. JOHNNIE E. WILSON, 000–00–0000

NAVY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF ADMIRAL IN THE U.S. NAVY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTIONS 601 AND 5035:

VICE CHIEF OF NAVAL OPERATIONS

To be admiral

VICE ADM. JAY L. JOHNSON, 000–00–0000

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL IN THE U.S. NAVY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. VERNON E. CLARK, 000–00–0000

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL IN THE U.S. NAVY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. (SELECTEE) RICHARD W. MIES, 000–00–0000

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL IN THE U.S. NAVY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. DENNIS A. JONES, 000–00–0000

IN THE MARINE CORPS

THE FOLLOWING-NAMED COLONEL OF THE U.S. MARINE CORPS RESERVE FOR PROMOTION TO THE GRADE OF BRIGADIER GENERAL, UNDER THE PROVISIONS OF SECTION 5912 OF TITLE 10, UNITED STATES CODE:

To be brigadier general

COL. LEO V. WILLIAMS III, 000–00–0000

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING JAMES M. ABEL, JR., AND ENDING ROBERT L. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 18, 1995.

AIR FORCE NOMINATIONS BEGINNING JONATHAN S. FLAUGHER, AND ENDING WALTER L. BOGART III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 22, 1996.

AIR FORCE NOMINATIONS BEGINNING DONALD R. SMITH, AND ENDING JAMES L. O'NEAL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 22, 1996.

AIR FORCE NOMINATIONS BEGINNING BRADLEY S. ABELS, AND ENDING MARK A. YUSPA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 22, 1996.

AIR FORCE NOMINATIONS BEGINNING JOSEPH P. ANELLO, AND ENDING BARBARA T. MARTIN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 22, 1996.

AIR FORCE NOMINATIONS BEGINNING EDWARD A. ASKINS, AND ENDING JAMES L. SCOTT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 22, 1996.

AIR FORCE NOMINATIONS BEGINNING ANDREA M. ANDERSEN, AND ENDING BRYAN T. WHEELER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 22, 1996.

AIR FORCE NOMINATIONS BEGINNING STEPHEN W. ANDREWS, AND ENDING RICHARD M. ZWIRKO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 22, 1996.

AIR FORCE NOMINATIONS BEGINNING JEFFREY K. SMITH, AND ENDING LOWRY C. SHROPSHIRE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 1, 1996.

AIR FORCE NOMINATIONS BEGINNING MATTHEW D. ATKINS, AND ENDING STEVEN J. YOUD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 1, 1996.

IN THE ARMY

ARMY NOMINATIONS BEGINNING WILLIAM G. HELD, AND ENDING PATRICIA B. GENUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 22, 1996.

ARMY NOMINATION OF RICKY J. ROGERS, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 1, 1996.

ARMY NOMINATIONS BEGINNING JAMES C. FERGUSON, AND ENDING MICHAEL M. WERTZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 1, 1996.

ARMY NOMINATIONS BEGINNING ROMNEY C. ANDERSEN, AND ENDING DAVID F. TASHEA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 1, 1996.

ARMY NOMINATIONS BEGINNING DANNY W. AGEE, AND ENDING FRANK A. WITTOUCK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 9, 1996.

NAVY

NAVY NOMINATIONS BEGINNING CHARLES ARMSTRONG, AND ENDING WINCESLAS WEEMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 22, 1996.

NAVY NOMINATIONS BEGINNING CALEB POWELL, JR., AND ENDING PAUL T. BROERE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 22, 1996.

NAVY NOMINATIONS BEGINNING MAURICE J. CURRAN, AND ENDING KIM M. VOLK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 1, 1996.

EXTENSIONS OF REMARKS

CASTRO'S HEINOUS ACT

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Mr. ACKERMAN. Mr. Speaker, I rise today to decry the actions of Fidel Castro over the weekend and extend my condolences to the family members of the four victims.

Clearly, the shooting down of unarmed U.S. civilian aircraft is the heinous and unforgivable act of a rogue regime that ignores international law. Cuba's action is inexcusable and is, as Ambassador Albright said, ''cowardice''.

Brothers to the Rescue is a private group engaged in the humanitarian mission of plucking Cuban rafters out of the shark infested waters of the Florida Straits. The Brothers were on another such humanitarian mission last Saturday, in international airspace, when the Cuban Government scrambled two MiG fighters to intercept the three Cessnas. With only the vaguest of warnings, the fighters locked onto the small planes and blasted them from the sky leaving only oil slicks on the water below.

Mr. Speaker, such wanton disregard for international law cannot go unanswered, so the response to this appalling attack has been swift. The U.N. Security Council has condemned the Cuban actions, as has the European Union, the President has suspended charter air travel and will ask Congress to use some of the $100 million in frozen Cuban assets to compensate the families of the victims. In addition, the conferees yesterday reached agreement on H.R. 927, the Cuban Liberty and Democratic Solidarity Act. These steps, taken together, will dramatically increase the pressure on the Castro regime.

Mr. Speaker, I ask my colleagues to join me in condemning the shooting down of civilian planes and to continue our work for a free and democratic Cuba.

TRIBUTE TO JACQUELINE CHARITY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Mr. TOWNS. Mr. Speaker, I am pleased to recognize Jacqueline Charity, who serves as deputy director for access and compliance with the New York City Board of Education, for her years of service. Ms. Charity has amassed an impressive resume of selfless service in the cause of educating young people. She has been directly responsible for programs targeted at talented and gifted students, in addition to her outstanding supervision of the College Bound Program. Recognizing that it is essential for students to be competitive in math and sciences, Ms. Charity undertook the challenge to establish a math-science program at Stuyvesant High School.

Jacqueline attended primary and secondary school in Brooklyn, and received her undergraduate degree from Brooklyn College, and her masters degree from New York University.

A devoted mother and wife, Jackie finds the time to provide extensive community service in her church and for numerous civic organizations. Among her numerous awards is recognition from the Jack and Jill organization and the YWCA. Jacqueline maintains her spiritual center by serving as a eucharistic minister/lay reader at St. Phillips Episcopal Church. I am pleased to be able to bring the accomplishment of this noted Brooklyn educator to the attention of my colleagues.

B'NAI B'RITH TO HONOR PAULINE FRIEDMAN

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Mr. KANJORSKI. Mr. Speaker, I rise today to bring to the attention of my colleagues the accomplishments of Ms. Pauline Friedman who will receive the Seligman J. Strauss Lodge's highest honor, the Community Service Award. Ms. Friedman will be honored at the Lodge's 52d Annual Lincoln Day Dinner.

The Community Service Award is presented each year to one outstanding citizen who, by his or her leadership and dedication on behalf of humanity, has made a valuable contribution to the betterment of community living. Pauly Friedman, with her many accomplishments, certainly meets the criteria for this award. She serves on the boards of the Family Service Association of Wyoming Valley, the Ethics Institute of Northeastern Pennsylvania, Interfaith Council of Penn State University Wilkes-Barre Campus, and St. Vincent DePaul Soup Kitchen. In addition, Pauly serves the Jewish Community Center of the Wyoming Valley, the Joint Committee of the Scranton Catholic Diocese, and the Jewish Community to Advance Jewish-Catholic Dialogue as a board member. She is also a member of the Wilkes University Council and the King's College Council.

Ms. Friedman founded the League of Home Health Services and the Friends of Family Services. She also served as the president of many leading community service organizations including the Visiting Nurses Association of Greater Pittston, Home Health Services of Luzerne County, Family Services Association of the Wyoming Valley, Pennsylvania Council of Family Service Agencies, Home Care Management of Luzerne County, and the Art Gallery of College Misericordia.

Pauly has served on the board of trustees of Temple Israel and on the boards of the Junior Leadership of Wilkes-Barre, Jewish Home of Eastern Pennsylvania, Salvation Army of Greater Pittston, and the Broadway Theater of Northeastern Pennsylvania. She was a member of the Penn State University Alumni Council and served as the vice president of the United Way of Wyoming Valley and the Northeastern Pennsylvania Philharmonic. She also chaired the women's division of the United Jewish Appeal Campaign and was secretary of the Luzerne/Wyoming Counties Mental Health Care organization.

Mr. Speaker, I have had the distinct pleasure of working with Pauly on her most recent project—her effort to bring better health care to the children of Eastern Europe. Ms. Friedman organized physicians who took their knowledge and medical supplies to Eastern Europe to help the young people of the region. Pauly then founded a nonprofit foundation to continue this noble work.

Mr. Speaker, we do not often get the chance to honor someone with such strong experience in volunteerism. Her spirit of commitment to her community is legendary in the Wyoming Valley.

Pauly Friedman has a deep understanding of the values that have made our country the greatest nation in the world. It is obvious to all who know her that she believes giving of oneself is the greatest gift of all. We in northeastern Pennsylvania extend our deepest appreciation to Pauline Friedman for a lifetime of commitment to improving the quality of life of the citizens of her community.

A TRIBUTE TO BERKELEY-CARROLL SCHOOL

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Mr. SCHUMER. Mr. Speaker, I rise today to congratulate the Berkeley-Carroll School of Park Slope for their achievement in receiving the U.S. Department of Education's Blue Ribbon award. Berkeley-Carroll is well known throughout Brooklyn and New York State for its high standard of academic excellence coupled with a strong parent-teacher-student community that nurtures the individual strengths of each student. I am inspired by the unique curriculum of Berkeley-Carroll and congratulate them as they provide a national model of educational achievement.

What I find particularly noteworthy about the curriculum at Berkeley-Carroll is their committment to civic duty and community activism. Each student is required to fulfill a minimum of 50 hours of community service, however, most students do more. This spirit of giving back to the community as part of one's course work, especially in an era where most have turned inward, is truly remarkable. Such an innovative component to a student's intellectual development as a problem solver provides the groundwork for future leadership skills.

I have always admired the teachers and parents of Berkeley-Carroll for encouraging their students to become active participants in their communities. In addition to completing their public service requirement, students are

immersed in a rigorous academic program that provides a solid foundation in math, reading, writing, and analytical reasoning. It is hardly surprising that Berkeley-Carroll was awarded the Federal Blue Ribbon Award for their sincere committment to academic strength and civic leadership.

As a resident of Park Slope, I have witnessed the positive contributions made by Berkeley-Carroll to the neighborhoods throughout Brooklyn. Students are given a special experience that will stay with them their entire lives. I rise to honor this landmark institution and urge all of my colleagues to recognize this Brooklyn-based school as a national leader in education.

TRIBUTE TO LOIS McDANIEL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Mr. TOWNS. Mr. Speaker Lois McDaniel is a native of Batesburg, SC and embodies the philosophy that hard work pays big dividends. Lois attended South Carolina State College and Pace University's evening program. She currently serves as the calendar information officer for the department of city planning and secretary to the New York City Planning Commission for land use and zoning matters. In her capacity she conducts televised public hearings at city hall for the New York City Planning Commission.

Prior to joining the department of city planning, Ms. McDaniel served as executive secretary to the president of the Bedford-Stuyvesant Restoration Corp. A homeowner in East New York since 1969, Lois has been involved in numerous civic activities within the Community Board 5 area. Her efforts have supported senior citizens, block associations, the Democratic Club of East New York, and Union 1180.

Ms. McDaniel is actively involved in food drives for City Harvest's food distribution program for the homeless, and is also involved in numerous other charitable efforts. I am proud to acknowledge her efforts to serve the people of Brooklyn.

CELEBRATING THE CAREER ACHIEVEMENTS OF LT.C. AARON A. CRAYCROFT

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Mr. POSHARD. Mr. Speaker, it is my pleasure today to relate a very inspiring story. It is not an unfamiliar plot, but one that always reassures my faith in the American dream and the work ethic that has made this country the greatest in the world. Aaron A. Craycroft of Macon County, IL, the northernmost county of Illinois' 19th district, has been promoted to the rank of lieutenant commander in the Navy Air Corps, and I salute his ascension to this position.

Military service in the United States has always been a position of honor for those who have served, and often represents the opportunity for personal betterment that is inherent in the idea of the United States. This has proved to be the case for Aaron. He enlisted in the Navy in 1974 without a college degree. Since then he has devoted his life to serving our country to the best of his ability, and his dedication has provided much in return. Aaron has traveled the world via aircraft carrier, learned the highly specialized skill of aviation electronics, and after putting that training to use repairing A–6 fighters, he is now the administrator of the school where he learned the craft. From humble origins, Lieutenant Commander Craycroft has achieved success through 20 years of hard work. His example is a model for the youth of today, for there are no easy answers, no quick fixes, and no substitute for giving your all. The path to opportunity and fulfillment exists if you are willing to give of yourself.

Mr. Speaker, Aaron's story is especially meaningful to me, because at 17, I also entered the armed services without having been to college, and I will never forget what that opportunity has meant to my life. I would like to thank Lieutenant Commander Craycroft for his devotion to his country's security. I am honored to represent him and his family in the U.S. Congress.

SAINT PATRICK'S DAY 1996

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Mr. GILMAN. Mr. Speaker, the promotion of peace and justice, along with long term and shared economic development on the beloved Emerald Isle, are important items of concern to millions of Americans of Irish descent, particularly at this time of year as we all join again in celebrating yet another glorious St. Patrick's Day.

These important issues of peace and justice also concern all of Ireland's many friends here and around the globe, especially now once again with the misguided return to violence by some few frustrated with the pace of the peace process and needed change on the ground in the north of Ireland today.

Ireland and its warm, generous people have long had a fond affection for America, as President Clinton learned when he triumphantly toured the whole island late last year. There we all witnessed first hand, the genuine warmth and love of the Irish people for America, and the respect for the President's outstanding leadership in promoting peace on the island.

The President has done much through his effort at promoting peace in Ireland to in some small way, pay back that nation that has also given America so much. With the current breakdown in the progress toward lasting peace, it is time for the President to take the next step, and appoint that promised peace envoy, which many believe is needed to get the process back on track.

Former Senator George Mitchell, who served so well as head of the International Body dealing with the arms issue, would be an ideal candidate for the position, in my opinion. I urge the President to make such an appointment of a peace envoy at this critical time in Irish history.

The tragic and misguided returned to violence recently by some who mistakenly believe that justice can be obtained through terrorism, death, and destruction, must end. The IRA cease fire must be restored, the bombings ended, and peaceful means and dialog resumed immediately, or the nationalist cause will suffer even greater damage in world opinion.

As we once again examine at this particular time of year, the impact the Irish have had on America, and why the U.S. has a responsibility to remain engaged in the efforts to bring about lasting peace and justice in Ireland, it is worth remembering their many sacrifices and contributions to our great Nation.

President Clinton addressing a joint session of the Irish parliament in Dublin on his trip last year, mentioned the 200,000 Irish who bravely fought for the Union cause in our civil war. Many Irish officers and soldiers also distinguished themselves in ending British rule over the colonies, during the earlier American revolution.

Once here in this great land, and taking full advantage of the American dream, the Irish fought and died for this Nation, and excelled in every way and walk of American life. Few from the World War II generation can forget, a young Irish lad named Audie Murphy who on the battlefields of eastern France, became one of the Nation's most decorated veterans. He received the Medal of Honor and 27 other decorations, including the Distinguished Service Cross, the Silver Star with Oak Leaf Cluster, and the Croix de Guerre with Palm.

In fact, since Congress established the Congressional Medal of Honor in 1863, there have been a remarkable 250 or more Irish who have earned this Nation's highest honor. No other nationality, even comes close to that astonishing record of valor and courage in service of this great Nation.

The sons and daughters of Ireland, their families and many friends here in America, are all grateful for our Government and its leaders' efforts, from both parties, to help pay back those remarkable sacrifices. The President has worked hard to bring peace and justice to their ancestral homeland, which every Irishman holds near and dear to his or her heart. We must all continue to work to keep peace in Ireland on the top of America's foreign policy agenda today, as I and others will do here in the Congress.

While helping make America great, the Irish have never forgotten, from whence they proudly came, as anyone who has marched in, or witnessed the grand Saint Patrick's Day parade down 5th Avenue in New York City each year. Today, more than 40 million Americans have ancestral links to Ireland, many as a result of the large immigration that followed the great famine, as well as the years before and after, that terrible and destructive human tragedy.

This year's Saint Patrick's parade Grand Marshal is William Flynn the CEO of Mutual of America in New York City. He is a great man, duly deserving of this high honor, who has dedicated himself to peace in Ireland, and has worked tirelessly to bring about lasting peace and justice, as have so many of his fellow Irish Americans.

The Irish in America, and their many friends have long played a role in assuring that our Government and elected leaders have not forgotten that the problems of Ireland did not end

with the great famine. Together we have worked hard to insure that the people of Ireland never again face such terrible hardships, and depravation of basic human rights and human dignity.

We must also all continue to work for a permanent end to the troubles in Ireland, through a just and lasting peace. I know we will eventually see lasting peace and justice a permanent feature on that beautiful Emerald Isle in the Irish Sea. It is the hope and dream of all of us as we approach St. Patrick's Day once again.

TRIBUTE TO ROSA LIVERPOOL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Mr. TOWNS. Mr. Speaker, the Borough of Brooklyn is fortunate to have Rosa Liverpool as a citizen. Rosa has been an achiever in spite of adversity. She was the first African-American graduate from the Slovak Girls Academy, and subsequently earned her undergraduate degree from Mercy College, and her master's degree in counseling from Manhattan College.

After receiving her degrees, Rosa began working for the city of New York. She has particular expertise in early identification and reporting of abuse and neglect of children. In 1979 Rosa began working with patients and their families who were addicted to opiates. Presently, Ms. Liverpool is the district guidance counselor for community school district 19. She is also the child abuse and neglect liaison as well as the suicide prevention specialist for district 19. Rosa has been actively involved in the east New York community of Brooklyn.

Ms. Liverpool chairs the education committee for the Rosetta Gaston Foundation, and is also a member of community board No. 5. She has worked with local storeowners to provide donations for block activities, and coordinated job fairs for east New York residents. Rosa leads by her example, and is destined to leave a lasting legacy.

ROSE TUCKER HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Mr. KANJORSKI. Mr. Speaker, I am pleased to rise today to pay tribute to my good friend and a distinguished community leader, Mrs. Rose Tucker. Mrs. Tucker has just completed a term as a member of the Luzerne County Board of Commissioners and will be honored for her service at a testimonial on March 1, 1996. It is my deep honor to join the many friends and colleagues of this extraordinary woman, who has earned a very special place in the history of Luzerne County.

Rose Tucker hails from my hometown, Nanticoke, PA. With a strong northeastern PA. With a strong northeastern Pennsylvanian upbringing and education, Rose committed much of her life to serving her community. At the beginning of her long career, Rose was at the forefront of providing much needed services to migrant workers in northeastern Pennsylvania. In 1973, she became a human services planner for the United Services Agency. Her interests then led her to become the executive director of the Luzerne-Wyoming Counties Drug and Alcohol Abuse Program. In 1979, Rose initiated and implemented the Community Cancer Corp. of Luzerne County under the auspices of the Luzerne County Medical Society. In 1982, Rose proved her business acumen by owning and operating a successful travel agency in Pittston, PA.

During this time, Rose furthered her commitment to ensuring health care for northeastern and central Pennsylvanians. In 1989, Rose became the director of public affairs for the Maternal and Health Services Corp. which cares for individuals and families in 15 counties throughout the region.

Mr. Speaker, in 1992 Rose Tucker took on her greatest challenge. She sought and was elected to the board of commissioners of Luzerne County. A year later, she was elected to chair the board. As one of the three chief executives of Luzerne County, Rose faced the challenge of governing a county confronting many difficult decisions. As an advocate of economic development in the region, Rose was responsible for bringing new jobs and opportunities to the county. She understood the importance of changing the coal town image of our area and preparing the county for the 21st century. Rose managed to exert strong leadership while maintaining her close connection to the people of Luzerne County, and her dedication to the people she served is greatly appreciated. She is truly a beloved public figure.

Mr. Speaker, I have known Rose Tucker for many years and consider myself fortunate to be included among her many friends. While facing the daily challenges of elected office, Rose endured the agony of watching her husband, Leonard, battle cancer. My wife Nancy and I joined Rose, her friends, and family in mourning his passing.

I am extremely proud to have the opportunity to pay tribute to the career of this distinguished public servant. It has been my pleasure to bring Rose's many accomplishments to the attention of my colleagues. The entire community thanks Rose Tucker for a job well done, and wishes her the very best.

TRIBUTE TO HANDGUN CONTROL ADVOCATE RICHARD M. ABORN

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Mr. SCHUMER. Mr. Speaker, I rise today to pay tribute to an esteemed colleague and courageous public citizen, Mr. Richard Aborn, who has helped me and others lead the charge for tougher handgun laws. On the eve of his retirement from Handgun Control, Inc., he has inspired everyone committed to improving law enforcement policy in the United States. For all of those who work toward making our communities safe, from police officers, to neighborhood groups, Richard has provided the vision and the leadership needed to encourage all in their quest for a society free from gun violence and destruction.

As an advocate for gun control since 1979, Richard worked at the Manhattan District Attorney's office, where he prosecuted homicide and gun distribution cases. His interest in reforming our Nation's weak gun laws motivated him to volunteer for Handgun Control, Inc., and in 1992 was elected president. He was also selected as president of the Center To Prevent Handgun Violence, working in tandem with Handgun Control to develop comprehensive handgun control policies. As one of the principal strategists behind passage of the Brady bill and the assault weapons ban, Richard worked against the odds to surprise the pundits and help these crucial laws on the books. He has also used his immeasurable energy and influence to lobby for gun control measures at the State and local level.

Not only has Richard contributed to reducing gun violence at the Federal level, but he has also been instrumental in establishing New York City's STAR Program—Straight Talk About Risks—the Nation's only prekindergarten through 12th grade program designed to reduce gun injuries through education. This ingenious program addresses gun violence before it starts. His contribution to New York City serves as a model for all concerned citizens wishing to stop violence in their own communities.

Throughout my entire public career I have rarely met anyone with more conviction to a specific cause than Richard. His remarkable dedication resulted in landmark laws that have made our streets and schools safer. I would like to personally thank him for his time, energy, and spirit in helping me and others begin to realize our dream of living in a society free from guns and violence. I urge my colleagues to join me in honoring him as he completes his time as president of Handgun Control.

TRIBUTE TO TUSHIA N. FISHER

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Mr. TOWNS. Mr. Speaker, I want to recognize Ms. Tushia N. Fisher who is employed as a special assistant to the New York State Senate minority leader, Martin Connor. She is a student enrolled in the State University of New York Empire State College, in a combined master's degree program in political science.

Tushia is a remarkable example of a 1990's woman, dedicated to her family, striving to improve herself as a single parent, and dedicated to improving and empowering her community. Tushia believes that children are our future. She has embarked on a campaign, starting with her 6-year-old son Jamere Jamison, to improve the plight of African-American youth. Her efforts include volunteering at the Interfaith Hospital holiday drive, as well as the City Kids Foundation. Additionally, Tushia is an active member of Concord Baptist Church. She provides a wonderful example for single and dedicated parents about how to pursue personal and professional development while providing volunteer service to her community. I am happy to cite this wonderful community success story.

TWILIGHT OF THE THUGS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Mr. LANTOS. Mr. Speaker, today's Washington Post has an excellent column by the Post's distinguished diplomatic correspondent, Jim Hoagland. He discusses the recent incidents involving a series of ''rogue regimes,'' the international outlaw countries which are a threat to global peace and stability. He rightfully points out that we must keep the focus on the leaders of these regimes and their outrageous policies and not let minor differences over how to deal with these dictators distort the fundamental agreement that exists among most Americans.

Mr. Speaker, these rogue regimes represent the most serious threat to U.S. interests and policies in the world, and it is essential that we take strong action to deal with these countries. These states support and sponsor terrorism; they create instability in their regions through destabilizing policies toward their neighbors; they seek to acquire weapons of mass destruction and sell such weapons to other rogue regimes; they violate the human rights of their own citizens. The list of such countries is not long, but it includes Libya, Iran, Iraq, North Korea, Sudan, and Cuba.

As my colleagues know, with my distinguished colleague from New York, Mr. KING, I have introduced legislation that would put this House on record by condemning the visit of Louis Farrakhan to several of these rogue regimes, including Libya, Iran, and Iraq. It also calls on the President to direct executive agencies to determine if the Farrakhan visit and the actions that follow that visit—such as the reported gift from Libya's Qadhafi of $1 billion for Farrakhan's use in the United States—violate United States laws and, if that is the case, to prosecute vigorously such violations.

Mr. Hoagland made this observation regarding Farrakhan's grand tour of terrorist states: ''Keep the focus on the Friends of Farrakhan. Make it clear that any financial transactions between the rogues and any Americans, including Farrakhan, will be investigated and if warranted prosecuted. President Clinton should not remain silent on the minister's travels.''

I could not agree more with Mr. Hoagland. And—I would also add—the Congress should not remain silent on Farrakhan's travels. I invite my colleagues to join us in cosponsoring our resolution to condemn the Farrakhan tour of the terrorist states.

Mr. Speaker, I ask that Jim Hoagland's column be placed in the RECORD, and I urge my colleagues to read his excellent analysis.

[From the Washington Post, Feb. 29, 1996]

TWILIGHT OF THE THUGS

(By Jim Hoagland)

Fidel Castro has demonstrated anew his zest for creating mischief for a U.S. president seeking reelection. But Cuba's cold-blooded shooting down of two unarmed U.S. civilian aircraft on Saturday also shows the insecurity and desperation that now envelops the Western Hemisphere's last dictator and his kind.

The two Cessnas piloted by Cuban exiles, out to help fleeing rafters and perhaps drop propaganda leaflets on their homeland were mosquitoes buzzing around El Jefe's beard. Castro was not strong enough to laugh them off. Instead he turned them into martyrs. His savage response is the act of a wounded, cornered animal fighting off the end.

To be sure, there is a mountain of politics and diplomacy to be worked through in the days to come, with debates flowing here over whether President Clinton's classically incremental response to the shoot-down was overly mild.

But the focus should stay on Castro and his regime, revolutionary relics floating like debris in the wake of the Soviet collapse of 1991. Just as time ran out on the Soviet Union five years ago, it is now running out for the rogue regimes and rulers who have clung to power in the Third World after the demise of their superpower protector.

The same lurching, cornered quality of the Cuban shoot-down is apparent in the grisly spat between Saddam Hussein and the two defectors-in-law he accepted back to Iraq and then had executed, and in Moammar Gadhafi's desperate efforts to construct the most grandiose poison gas factor in history in the empty Libyan desert. Instead of fiddling as their regimes crumble, these modern Neros pass their time by expanding their repertoire of murder and mass destruction.

North Korea plays out its version of the communist endgame by blackmailing the United States and its allies for financial help to stave off a total, sudden collapse. Vietnam plays the game by opening up to foreign investment and trade, an approach Syria toys with, trying to winkle concessions out of Warren Christopher and Shimon Peres for doing so. China and Iran, which also practice Soviet-style tyranny at home and criminality abroad, do not—alas—appear to be as close to revolutionary burnout. But cheer up. I could be wrong, particularly about China.

Why get our hopes up now? Because the extinguishing of the Soviet sun has left this shrinking universe of thug-rulers without a center, without a system of political gravity. They have lost their international reason to exist. They have coasted for five years on the strength of brute force and in some cases on the political and financial glory of nationalized oil or other resources coveted by the West.

But the disgrace and isolation Castro, Gadhafi, Saddam, Syria's Hafez Assad, North Korea's Kims and the others have brought on their nations can no longer be justified in the name of international revolutionary glory or hidden from their citizens. The growing isolation of the world's outlaws is underscored by their willingness to serve as platforms for the pitch of an itinerant American snake oil salesman—that is, for the race-baiting of Louis Farrakhan, recently hosted by Gadhafi, Saddam, and ayatollahs and the criminals who run Nigeria, and others.

Farrakhan is no doubt right when he says he has a constitutional right to travel to these countries and meet with whomever he likes. But Americans who were willing to grant him the benefit of the doubt based on his Million Man March, and promises of reconciliation and tolerance he voiced there, would be fools to continue that openness after his Grand Tour of Murder Inc. International.

Congress should not give Farrakhan a new platform by bringing him to town to hearings that, as a master showman, he can manipulate. Farrakhan has said everything Americans need to know by kissing the bloodstained rings of the killers with whom he has cavorted on this trip.

But this does not mean that America should passively wait for the world's second-tier thugs and their would-be acolytes to disappear into the sunset created by the collapse of communism. Keep the focus on the Friends of Farrakhan. Make it clear that any financial transactions between the rogues and any Americans, including Farrakhan, will be investigated and if warranted prosecuted. President Clinton should not remain silent on the minister's travels.

On Cuba, keep the focus on Castro. Clinton's Republican rivals lack a sense of history and proportionality in concentrating their fire not on Castro but on the president's low-key, still evolving response to the shoot-down. We fall into Castro trap if we let these murders become an American political football. You can almost hear Castro laughing and saying, ''There they go again.''

J. MICHAEL McLEOD, CIVIC LEADER AND ATTORNEY

HON. DAVID FUNDERBURK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 29, 1996

Mr. FUNDERBURK. Mr. Speaker, it is a special pleasure for me to pay tribute to one of Harnett County's finest citizens, J. Michael McLeod. McLeod, Hardison & Harrop is one of the leading attorney firms in Harnett County. And no one—Republican or Democrat—is more respected for his fairness and legal expertise than Mike McLeod, senior partner in his law firm founded by his father Max McLeod. Most notable about Mike is the fact that he is not pretentious but down-to-earth. And he is never too busy to stop to chat with friends or strangers in Dunn, NC. One admirer told me that what you see is what you get with Mike and that he is always up-front with you.

Mr. J. Michael McLeod has an outstanding background of education, sacrifice for his country and community involvement. McLeod graduated in 1962 from Dunn High School where he was vice president of the student body, president of the Hi-Y Club and football standout. He got a B.A. degree in 1966 from Wake Forest University where he was a member of the honor council, Kappa Sigma Fraternity, Scabbard & Blade Honorary Military Society, and Distinguished Military Graduate, and he earned a juris doctor degree in 1969 at Wake Forest University Law School, where he was a member of the Phi Delta Phi Legal Fraternity.

McLeod served in the U.S. Army Infantry at the rank of captain. He served at Ft. Benning and Ft. Bragg and for 1 year in Vietnam. For his meritorious service in Vietnam he was awarded a Vietnam Campaign Medal, Vietnam Service Medal, Army Commendation Medal, and Bronze Star Medal. He showed great courage under fire in Vietnam.

In civic, community and political affairs, Mike McLeod has been quite active. He is a member of the Palmyra Masonic Lodge, the Dunn Shrine Club, the Veterans of Foreign Wars, the American Legion, the Harnett County Bar Association, the North Carolina Bar Association, and the United Carolina Bank Advisory Board. He served two terms as chairman of the Harnett County Republican Party and has been active in political affairs in the county and State for more than two decades. Mike lives with his wife, Karen—who teaches at Western Harnett High School and two children, Susan and Bruce Walls, in Dunn, NC.

He is the father of two children, Karen and Clay McLeod.

As one who was a college classmate of Mike McLeod and one who has worked with him in many activities, it give me great personal pleasure to pay tribute to my trusted friend for his outstanding contributions to his community and Nation.

TRIBUTE TO JACQUELINE BERGMAN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Mr. TOWNS. Mr. Speaker, Ms. Jacqueline Bergman has distinguished herself as the first female member president of the International Association of Lions Clubs, and I think it is important to recognize this landmark achievement. In 1987 she was installed as the first woman member of the Brooklyn Downtown Lions Club. This is indeed significant because it demonstrates that barriers to advancement for women are being overcome.

Ms. Bergman has served the Lions organization well. She has chaired major fundraisers, been the recipient of the organization's highest award by being designated as a Melvin Jones Fellow, and edited the club's newsletter. Jacqueline has also served as a delegate to numerous district, State and international conventions. Jacqueline lives in Brooklyn Heights, has two children, Andrew and Mona, and adores her grandson Andre. Her commitment to service is only exceeded by her desire to do the best job possible. I am honored to recognize her dedicated efforts.

CONGRATULATIONS TO THE MT. ZION SEVENTH GRADE BOYS BASKETBALL TEAM

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Mr. POSHARD. Mr. Speaker, I rise today to acknowledge and celebrate the Mt. Zion, IL, seventh grade boys basketball team and their coach, Jeff Sams, for winning the Illinois Elementary School Association 7AA State championships. Their tremendous team effort brought them back from a four point half-time deficit against the favored Lincoln Trojans. I join their families and the rest of Mt. Zion in honoring their achievement.

As all of us sports fans know, February and March are the height of the high school and college basketball seasons. The Super Bowl is over, the first sounds of spring training are just being heard, and playoffs in pro basketball and hockey are still weeks away. Moreover, in small towns across America, local sports are the only game that matters, and a community's pulse can be measured by how the local teams fare. This is the case in Mt. Zion, where 2,500 turned out to watch the championship game. They were not disappointed, as the Braves shot 58 percent en route to the victory. The excitement of playing before such a crowd is truly an exhilarating experience that those players won't soon forget, and the thrill that the team gave to the community is equally special. As coach Sams said, ''I found the whole experience to be an unforgettable memory for everyone involved.''

Mr. Speaker, sports also serve to develop qualities in our children that will help them throughout their lives. Leadership, team play, and the value of physical fitness are all integrally linked to success, and I am confident that all of Mt. Zion's players will achieve even greater heights in their future endeavors. I would like to congratulate them again, and mention their names: Aaron Barger, Stephen Barger, Sean Brewer, Justin Cox, Jonathan Ellis, Ryan Kistenfeger, Matt McCollom, Neil Plank, Jake Sams, Josh Stonecipher, Matthew Trusner, and Chad Watson.

RIGHTS OF VICTIMS

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Mr. SCHUMER. Mr. Speaker, I am submitting into the RECORD a letter that was sent to me which deserves immediate attention from every Member of Congress.

Nashotah, WI, February 26, 1996.

Congressman CHARLES SCHUMER,
Committee On The Judiciary,
Washington, DC.

DEAR CONGRESSMAN SCHUMER: On July 19, 1994, my wife Karin testified before this committee on the subject of health care abuse. She was only 28 years old when she appeared before you, yet she was dying as a direct result of medical malpractice. Karin told you about our HMO, Family Health Plan in Milwaukee, Wisconsin and how for over three years her doctors misdiagnosed the classic physical symptoms of advanced cervical cancer while their lab chronically misread her pap smears and her biopsies.

Karin told you about Dr. Lipo who owned the lab while he also served on the board of directors at Family Health Plan, and how in that capacity he would see the bids from competing labs and adjust his contract to keep the HMO's business. Karin also testified about June Fricano, the lab technician, who was paid on a per slide basis, reading 5 times the federally recommended number of slides and working at as many as four other labs simultaneously.

Although our HMO repeatedly told us everything was okay, our fears drew us to look elsewhere. Within one week of going to a gynecologist outside of Family Health Plan, we received the devastating news. Had Karin been properly diagnosed in 1988, after her first positive pap smear was misread, she would have had a 95–97 percent chance of survival, but due to the gross incompetence of Family Health Plan, my wife died at 29. Next Friday marks the one year anniversary of Karin's death.

Karin fought 2 battles when she became sick and she fought them as hard as she could. She fought the cancer with chemotherapy, radiation, surgery and prayer. The other battle she fought was to protect the rights of all patients and victims of medical malpractice and she fought that battle with her words and her experiences.

Every chance she got, Karin would write letters to regulatory agencies, legislators, or go to Washington to tell her story to Congress. She spoke to the Clintons', she testified before the Senate Judiciary Committee and she spoke to you. All so that no other American would fall prey to the horrible nightmare we were forced to endure.

Karin and I experienced first hand, the overwhelming lack of continuity of care, lack of communication, lack of responsibility, lack of accountability and lack of humanity which are the hallmarks of profit driven managed care facilities in this country today.

When Karin testified before you she asked that you let her experience be your guide. She asked you for a health care system that allows choice, while providing accountability and incorporating strict mandatory medical negligence prevention. As a victim of those offenses, Karin implored you . . . ''Please don't let Congress strip away the rights of victims like me.'' It would be her wish that we'd continue the fight in her name. Please don't let her death be in vain.

Sincerely,

PETER SMITH.

TRIBUTE TO THE HONORABLE SANDRA SCHULTZ NEWMAN

HON. JON D. FOX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Mr. FOX of Pennsylvania. Mr. Speaker, I rise today to honor a resident of the 13th Congressional District who has a long record of service to the people of Montgomery County, PA and who now serves the entire Commonwealth with honor and distinction.

The Honorable Sandra Schultz Newman is the newest member of the Supreme Court of Pennsylvania. Justice Newman was elected to the highest court in 1995 and became the first woman elected to serve in that distinguished office in the history of the State. Previously, she served the residents of the Keystone State as an outstanding Judge of the Commonwealth Court.

The daughter of Oscar Newman and Minerva Kaminsky Schultz. Judge Newman earned her bachelor's degree from Drexel University in Philadelphia. After receiving a master's degree from Temple University in Philadelphia, Justice Newman graduated with honors from Villanova University Law School where she received her Juris Doctor degree.

Justice Newman served in private law practice from 1972–79 where she rose to become the senior partner in the firm of Astor, Weiss & Newman in 1979. Justice Newman served with great distinction as an Assistant District Attorney in Montgomery County, PA. She is the past president of the Pennsylvania Chapter of the American Academy of Matrimonial Lawyers. She is also a contributing member of the American Bar Association, the Pennsylvania Bar Association, the Montgomery County Bar Association, the Pennsylvania Trial Lawyers Association and the American Trial Lawyers Association.

Additionally, she is a member of the National Association of Women Judges and past board manager of the family law section of the Pennsylvania Bar Association. Justice Newman serves as chairman of the board of consultors of the Villanova University Law School and a member of the advisory board for the University of Pennsylvania Biddle Law Library.

Justice Newman has been honored by Best Lawyers in America and has received the Drexel 100 Award, 1992, Medallion of Achievement Award of the Villanova Law

School, 1993. She is the author of ''Alimony, Child Support, and Counsel Fees''—1988—and has been active in many charitable and community service organizations in Montgomery County and throughout the Commonwealth of Pennsylvania.

Mr. Speaker, I join the residents of Pennsylvania in honoring Justice Sandra Schultz Newman as a revered member of the Pennsylvania Supreme Court. Her legal skills, outstanding judgment, compassionate heart, and fundamental fairness marks her as one of the most outstanding leaders in the United States. Thank you, Mr. Speaker.

PEARL HARBOR '41, BOSNIA '95

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Mr. LoBIONDO. Mr. Speaker, I commend to my colleagues an excellent editorial which appeared in the January issue of the Township of Hamilton Veterans Bulletin. As our Nation embarks on yet another military mission overseas, we should all keep the following points in mind.

PEARL HARBOR '41, BOSNIA '95

(By John Hein)

This is the last of the 50th Anniversary Celebrations of World War II and the 54th remembrance of Pearl Harbor. December 7, 1941, is a day etched in my politically incorrect memory with the hope that this day will forever live in infamy.

Veterans are often guilty of tell the adventures of the war as the fun of youth. Our minds forbid us to recall we were bit players in massive tableaus of horror. Let's tell our children and grandchildren that our war stories are not grand heroic adventures.

Accordingly, I take this opportunity to warn of this nation's neglect of three bitter history lessons. They are: Our failure to prepare, our nation's unity during WWII, and our responsibilities after WWII. Today, we teeter on the brink of a similar disastrous day. We plan to risk the blood of our sons, daughters, grandsons and granddaughters for peace in Bosnia?

First, in WWII and Korea, unprepared we sacrificed young people to buy time. Pearl Harbor and Bataan were such sacrifices. Unprepared heroes saved the Pusan perimeter. Our WWII bazookas were no match for North Korea's tanks. In Vietnam our troops had to fight a new type of war. Since Generals prepare for the last war, have we trained our armed forces for peacekeeping and nation building? I shudder when young men shout happily when told they will create peace by force of arms. Peace by standing between armed forces while arming one at the expense of the other. I doubt these young men are ready for the realities of war.

Second, before we go to war, our forces in the field need our resources, and our government. However, even more, they need the hearts of their countrymen. War is not a television side show. It involves life and death for real people with feelings and families. We must not permit the spin doctors, or the Jane Fondas, to shift the blame for Bosnia's war to the warriors.

However, this media shift has begun. A recent Brinkley show (Ms. Roberts) and a CNN & Company guest stated, ''Since this is an all volunteer army, what's wrong in letting them fight?'' I'll tell you. Today, our voluntary armed services consist of those who joined for education benefits, to learn leadership or to learn work skills, and patriots, they are our best, our brightest and our bravest. The sons and daughters of those who can afford these benefits without joining the services are not part of today's armed, volunteer services. Thus, the ''talking heads'' advocate putting those ''volunteers'' in harm's way. Our service people are your, or your neighbor's, sons and daughters. Remember, those who would dodge a draft won't protest for those who go to Bosnia.

Further, isn't our government's prime duty to ''provide for the common defense?'' Does the military oath permit our nation's defenders to act as mercanaries? Our Constitution doesn't say we will send our troops to enforce ''peace'' or build new nations. If we want a mercenary army, let's change their oath. Let's drop the part that says to uphold and defend the Constitution of the United States.

After Bosnia, will this nation have a future? Who, in their right mind, would counsel their sons and daughters to enter such a military service? Who will protect our country when our government wastes our sons and daughters so recklessly? When they use their blood trying to build foreign nations and keep the peace in foreign lands by force of arms.

The U.N. has had 39 peacekeeping operations that involved fatalities. The U.S. is in 3 of the 13 still operating. Were Somalia or Haiti successful uses or our military, or money? Do you remember the 263 Marines in Beirut? Was Iraq worth the risk?

Third, after any war, as a nation we must know the cost and should honor our debts. After WWII, we funded the Marshall Plan—aid to the nations suffering the ravages of war. This was not intervention in their affairs. That should be the model for aiding foreign nations—not the misuse of our sons and daughters for armed intervention as mercenaries.

But, after any war we have a higher debt, a debt to our own people. War doesn't end when the shooting stops. Those crippled or wounded continue to pay the price. PTSD, Agent Orange, and now the Gulf War Syndrome affects the veterans of our wars. They are our wounded just as if they were maimed by shells or bullets. Some wives and children of Vietnam, and the families of the over 51,000 Gulf War veterans with the syndrome, have the same problems as the veterans. These people are not getting help today.

We bought our freedoms with those shattered lives . . . we are forever in their debt. It is a duty yours and mine, to see that the VA system functions properly. Congress must find honorable places to care for all who suffer for us.

Thus, we go to Bosnia, as we have gone to other recent battlefields. We go without a patriotic cause, without a national interest, and without an economic interest. Our government forgot these three terrible lessons: A united cause—Bosnia is not such a cause; preparation—these troops don't know what perils they face; and without aftermath responsibility—we will again turn our backs on those who suffer for us.

TRIBUTE TO JO ANNE SIMON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Mr. TOWNS. Mr. Speaker, Jo Anne Simon is an outstanding community activist who represents the brownstone community of Boerum Hill in downtown Brooklyn. Ms. Simon is the president of the Boerum Hill Association. The association serves the historic community that has thriving merchant businesses.

Jo Anne works closely with local community board and public officials to ensure that critical issues such as education, crime prevention, historical preservation, and quality of life issues are responsibly addressed on behalf of community and neighborhood members. Ms. Simon recognizes that her efforts must be special because Boerum Hill is a very special Brooklyn enclave.

An attorney and former teacher of the blind, Jo Anne has been very active in the disability rights movement. She is a founding member of the Association of Higher Education and Disability, a national organization which advocates for equal access to higher education. She currently serves on its board of directors. I am pleased to bring Jo Anne Simon's community activism to the attention of my colleagues.

SIOUX FALLS, SD, SAYS GOOD-BYE TO MSGR. FRANCIS SAMPSON

HON. TIM JOHNSON

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Mr. JOHNSON of South Dakota. Mr. Speaker, I rise to honor a fellow South Dakotan who served his country as a highly decorated soldier and prominent priest, Msgr. Francis Sampson. Monsignor Sampson, 83, died of cancer Sunday, January 28, 1996. Having been born on leap day in 1912, today would have been his 21st leap year birthday. The Sioux Falls community and all of South Dakota mourn the loss of a valuable friend, educator, and hero. Monsignor Sampson's interests and influence went beyond his efforts within the church and the military. As a strong supporter of O'Gorman High School in Sioux Falls, SD, he helped many students pay for their tuition.

Monsignor Sampson briefly served as pastor at Notre Dame Cathedral and Dowling High School in Des Moines, IA, before he began his military career in the Army chaplaincy as a first lieutenant in 1942. He was captured twice and wounded by the Germans during World War II, and his efforts earned him the Distinguished Service Cross. Sampson continued to serve his country in Korea where he rescued American prisoners of war. Prior to his retirement from the Army, Sampson became a monsignor in 1963. He was named deputy chief of chaplains for the Army in 1966, and in 1967 was made chief of chaplains and promoted to major general. Sampson's outstanding military service was recognized with his many awards, including the Purple Heart and the Bronze Star.

Monsignor Sampson continues to make investments in the lives of children through the Monsignor Sampson O'Gorman Fund. In doing so, he has given the Sioux Falls community a legacy that will live on in the successes of

future generations. Monsignor Sampson's influence on our children and on so many others throughout the world should be remembered, as it will be missed.

SPRINT'S FIRING OF 235 EMPLOYEES IN SAN FRANCISCO

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Mr. LANTOS. Mr. Speaker, on July 14, 1994, the Sprint Corp. abruptly closed down La Conexion Familiar, its San Francisco telemarketing subsidiary, and fired all 235 La Conexion Familiar workers. These employees were let go just 1 week before they were scheduled to vote in an organizing election under the supervision of the National Labor Relations Board. A majority of the employees at La Conexion Familiar had signed a petition indicating their desire to unionize. The employees said that they were seeking to improve working conditions which included restrictions on drinking water and bathroom breaks.

The National Labor Relations Board charged Sprint with over 50 Federal labor violations and with illegally closing La Conexion Familiar. An administrative law judge upheld these 50 labor violations, but offered no assistance or remedy to the fired employees. The NLRB general counsel has appealed to the full Board charging that the closing was an illegal effort to thwart a union organizing drive.

The U.S. Department of Labor held a public forum in San Francisco this week, entitled ''Public Forum of the Effects of a Sudden Plant Closure and the Impact on the Principle of Freedom of Association and the Right of Workers to Organize.'' This forum was the first of its kind under the terms of the NAFTA agreement. I submitted testimony to this forum and would like to share my testimony with my colleagues. Therefore, Mr. Speaker, I respectfully request that my testimony be entered into the RECORD.

EFFECTS OF SUDDEN PLANT CLOSURE AND THE IMPACT ON THE PRINCIPLE OF FREEDOM OF ASSOCIATION AND THE RIGHT OF WORKERS TO ORGANIZE

(By Tom Lantos)

I would first like to commend you for holding this hearing which is the first of its kind under the terms of the NAFTA agreement on a case involving violations of worker rights in the United States. As you know, I was strongly opposed to NAFTA, but it is now the law of the land and we must live by its provisions. I will be the first to make sure that the spirit and intent of the principles contained in NAFTA's side agreement on labor cooperation are given maximum attention in the enforcement of NAFTA's provisions.

The North American Agreement on Labor Cooperation states plainly that every effort will be made to guarantee to all workers the right of freedom of association and the right to union representation.

The Sprint workers who are the subject of today's hearing were clearly denied these rights. Sprint's shutdown of La Conexion Familiar demonstrated that reality falls well short of the goals of the NAFTA agreement on labor cooperation. This is a case of a company which willfully violated our labor law and which was cited with more than 50 violations. It is also a case of human pain and suffering.

As you know, on July 14, 1994, 235 individuals were thrown out of work by Sprint. Many of these workers live in my Congressional district. Today we heard from several of these workers who have told us in their own words the turmoil they have had to endure.

I have heard their pain from the beginning of this tragic situation and I have observed first hand the wrenching consequences of Sprint's behavior of these worker's lives. In a split second these workers were unemployed. Their families were in disarray. And the promise of the American dream was destroyed. ''How could this happen'', they asked, ''After all, this is America, where laws are supposed to mean what they say and are supposed to be enforced to the letter.''

When Sprint abruptly shut its ''La Conexion Familiar'' facility one week before an organizing election, we had a classic case of US labor law not adequately protecting American workers. Two hundred and thirty-five workers lost their jobs, victims of an illegal campaign against workers' rights. More than a year and a half after losing their jobs, the workers at La Conexion Familiar are still struggling and awaiting justice. Out of the 177 workers who were scheduled to vote in the union election, fewer than half are working—the rest are still out of work.

The National Labor Relations Board moved as quickly as current law permitted. But in spite of their efforts it took over four months until the case was heard and well over a year until a decision was issued. And the process is far from over. As of today, this case is 593 days old and it will take many more months before the Board issues a final decision, even as they expedite the case. It will take years before all parties exhaust available appeals. In the meantime, the workers are the ones paying the price for the inability of our system to provide prompt and effective remedies for this obvious and egregious violation of the law.

The Sprint case is not atypical. The latest data available from the NLRB show that by the end of 1994, the medium number of days it took for an unfair labor practice case to reach a decision by an administrative law judge was 360 days and the median number of days to a reach a Board decision was 601 days. What this means is that half of all these cases took even longer. The average age of cases pending before the Board (as of September 30, 1994) was 758 days. Add to that years of appeals through the courts and we have to recognize that our current system of labor law is in fact an easy and inexpensive tool for companies to use to break the law rather than abide by it.

It is simply unjust for workers who have lost their jobs as a result of unfair labor practices by their employers to have to wait so long for a remedy. Our labor laws and their enforcement mechanisms must be strengthened.

Under these circumstances, I admire the courage of the workers at La Conexion Familiar. They stepped up to the plate and took a swing at their rights. What they did not know was that the game was rigged against them and Sprint was throwing a spit ball. What would you do if you were a worker in a plant or a facility such as La Conexion Familiar and you were told by your supervisor or your manager:

''Look, don't even try to organize, because we'll shut the plant down and it will take you four to five years to prove that the company did anything wrong. In the meantime, you will be out of work.''

Under these circumstances would anyone try to organize? There is no question that the average worker would say, ''No.''

This is what is so admirable about the Sprint workers at La Conexion Familiar. In spite of all the threats, the coercion and the spying, they still tried. They demonstrated that the importance of organizing a union is not from a bygone era, but that organizing a union is more relevant than ever. It is our system of labor law and its enforcement which must be brought into the 21st century.

This is why I am testifying today in support of Sprint workers and all workers who want to organize. I will continue to do everything I can to seek a remedy in this case and will continue to push for labor law reform which provides prompt and effective penalties against labor law violators. Workers must feel secure in their belief that they can exercise their right to organize without fear of retaliation by their employer and without running the risk of losing their job.

One reason I opposed the NAFTA agreement was that it perpetuated the ineffectiveness of US law in protecting workers rights. In the case of the right to organize, the NAFTA agreement provides only a mechanism for exposing violations of these rights and this Forum is part of that mechanism. It is important for workers to demonstrate the widespread abuse of workers rights. But it is clearly not enough.

The objectives of the NAFTA side agreement on labor cooperation are admirable. But the law itself should contain penalties against the companies who benefit from expanded trade opportunities but at the same time violate their workers' rights, whether in Mexico, Canada or the United States. I will fight hard to ensure that the NAFTA agreement is amended to include real penalties and appropriate enforcement provisions.

I support calls for an international code of conduct for all companies operating on a global scale. This code will ensure that workers' rights, which we in the United States are at least committed to on paper and which are contained in the NAFTA side agreement on labor cooperation, will become a part and parcel of acceptable behavior in international commerce.

The promise of international investment and trade must go hand in hand with the promise of improved working conditions and living standards for workers both in the United States and abroad. By recognizing and protecting the rights of workers to form unions and engage in collective bargaining, we are not giving workers entitlements or handouts. We are giving them the tools to stand up for themselves and claim their fair share of economic progress that they had a hand in producing.

Thank you.

ST. DAVID'S DAY

HON. PAT DANNER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Ms. DANNER. Mr. Speaker, for more than 850 years, the legacy of St. David has been an inspiration to generations of people of Welsh descent, including such prominent American leaders as Abraham Lincoln and Thomas Jefferson.

While the annual celebration will be delayed slightly this season by leap year, St. David's Day, March 1, will recognize the legend of the patron of Wales—one of the most illustrious bishops of ancient Wales.

In fact, a 10th century manuscript refers to St. David as the spiritual leader of the Welsh.

One of the legends surrounding St. David is that during his schooling, a dove with a golden beak was seen playing by his lips, teaching him to sing the glory of God.

At the time of his death, just before angels carried his soul to heaven, St. David is reported to have said: ''Be joyful brothers and sisters. Keep your faith and do the little things you have seen and heard with me.''

For the many Welsh-Americans who will be celebrating tomorrow, I trust that the day will bring you the joy St. David spoke of so many years ago.

TRIBUTE TO LETICIA P. JOHNSON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Mr. TOWNS. Mr. Speaker, there is no greater calling than attending to the education and nurturing of our children. For the past 22 years Leticia P. Johnson has been performing that very vital task. Leticia is a graduate of Brooklyn College and received a master's degree in supervision and administration.

Leticia believes that early childhood learning sets the stage for positive human development. Leticia has dedicated herself to getting society and educators to focus on the total needs of our children.

Leticia's participation in various organizations reflects her commitment to children. She is a member of the National Black Child Development Institute, and is the cochair of the Early Childhood Task Force. Leticia is also a member of the Bedford-Stuyvesant Community Conference Inc. For the past 10 years she has served as the director of Young Minds Day Care Center, sponsored by Fort Greene Citizens Council Inc. Brooklyn sees the fruits of Leticia's efforts each time a child is nurtured and educated in her institution. I am happy to acknowledge her selfless efforts.

HANSON POLICE CHIEF HAILS 1994 CRIME BILL

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Mr. FRANK of Massachusetts. Mr. Speaker, I ask permission to insert into the RECORD a very powerful letter which I received from Chief Eugene Berry of the police department of the town of Hanson. Chief Berry writes to express his strong support for the 1994 crime bill and the funds that have gone to local communities as the result of this. His letter reinforces the point that it would be great folly for this Congress to disrupt this flow of funds by making drastic changes in this program. Chief Berry notes that his department and the entire State of Massachusetts have benefited from these funds, and as a police chief who is dealing every day with the problem of protecting the public safety in a small community, Chief Berry speaks with great credibility on this subject.

As a police chief, and as an instructor for the Massachusetts Criminal Justice Training Council, Chief Berry is very well situated to evaluate this program and his strong testimony in support of it should carry a great deal of weight. I ask that Chief Berry's letter be printed here.

POLICE DEPARTMENT,
TOWN OF HANSON,
Hanson, MA, January 31, 1996.

Hon. BARNEY FRANK,
State House, Boston, MA.

DEAR REPRESENTATIVE FRANK: I am writing to you to share the success of the 1994 federal Crime Bill, specifically the COPS FAST and COPS MORE projects.

The Town of Hanson Police Department counts itself extremely fortunate to be the recipients of both of these grants.

The COPS FAST grant has truly allowed this department to address the community concerns.

The COPS MORE grant will enable this department to install in-crusier computers which will add the equivalent of 2.8 police officers to the complement of this department.

The 1994 federal Crime Bill has reinvigorated the dedication of law enforcement in America through these programs.

As an instructor for the Massachusetts Criminal Justice Training Council teaching many of the officers hired as a result of the COPS FAST program, I can attest to the rededication of the police service in preparing our recruits for practicing the community policing philosophy.

If the political leaders of our nation are going to play politics with the Community Policing programs in the 1994 federal Crime Bill, it will have a devastating effect on all the positive strides we have made in the last 2 years.

I know you will take an active role in the leadership fighting to retain the advances in policing we have made since 1994.

Sincerely,

E.G. BERRY,
Chief of Police.

IN HONOR OF FATHER JOHN J. MURPHY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Mr. SOLOMON. Mr. Speaker, I would like to take time today to pay tribute to a great man and community leader, Father John J. Murphy of Catskill, NY, in my congressional district. Father Murphy will be celebrating his 25th anniversary as pastor of the St. Patrick's parish located in Catskill, nestled between the Catskill mountains and the Hudson River.

Throughout his tenure as pastor, Father Murphy has served the Catskill community with an unending devotion, self-sacrifice, and countless hours of hard work and determination. Moreover, he has devoted a great deal of his time to ensuring that families in Greene and Columbia Counties have the opportunity to provide their children with a parochial school education in their own community. While attending St. Patrick's for school, it wouldn't be rare to see Father Murphy out front in all kinds of weather, even those Northeast winters, welcoming students off the school bus. Father Murphy takes great pride in playing a central role in the students religious education from their very first day, to graduation day and beyond. Former students spanning his 25 years of service still know they can expect a warm greeting, sound advice and guidance, or just an open ear upon their return.

Mr. Speaker, even outside his formal duties to his parish and the school, it is not unusual to see Father Murphy at all kinds of community events. I always have admired people like Father Murphy who go out of their way to offer their services to neighbors in the community, especially to those people who may not have the privilege of hearing his words of wisdom regularly. It is actions like these, Mr. Speaker, that make Father John Murphy a pillar of the Catskill community.

This year, Father Murphy will have been a priest for 39 years, 25 of which will have been as pastor of St. Patrick's. And on this Sunday, March 3, 1996, the Catskill community will pay tribute to his tremendous service on their behalf. At this time, I ask you, Mr. Speaker, and the rest of my colleagues in the House to rise alongside myself and the rest of his community in wishing Father Murphy many more years of health and happiness.

HIGHWAY RAIL GRADE CROSSING SAFETY FORMULA ENHANCEMENT ACT OF 1996

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Mr. VISCLOSKY. Mr. Speaker, because I am concerned about the number of railroad crossing accidents in northwest Indiana, today I am introducing legislation that will provide a more effective method of targeting available Federal funds to enhance safety at our most dangerous highway rail grade crossings. I am introducing this legislation with our colleague, Mr. Hostettler, and the entire Indiana congressional delegation, in a bipartisan effort to improve rail safety. This bill, the Highway Rail Grade Crossing Safety Formula Enhancement Act of 1996, which is the companion bill to legislation introduced in the Senate by Indiana's Senators, RICHARD LUGAR and DAN COATS, is similar to legislation I introduced in the 103d Congress (H.R. 4855). This bill would improve the Federal funding formula to account for risk factors that identify which States have significant grade crossing safety problems. The factors considered in the bill include a State's share of the national total for public highway-rail grade crossings, its number of crossings with passive warning devices, and its total number of accidents and fatalities caused by vehicle-train collisions at crossings.

Under the proposed funding formula established by my bill, Indiana's share of rail crossing safety construction funds would increase by an estimated 33 percent annually, from $4.9 million to $6.6 million. In 1994, Indiana ranked sixth in the Nation for number of grade crossings—6,788—third for grade crossing accidents—263—and fifth for fatalities, 27. For the current fiscal year, Indiana received 3.4 percent of section 130 safety construction funding, while accounting for 6.1 percent of the Nation's accidents, 5.9 percent of fatalities, and 4 percent of crossings.

Currently, in the United States, several hundred people are killed and thousands more injured every year as a result of vehicle-train collisions at highway rail grade crossings. A significant number of these accidents occur in rail-intensive States, such as Indiana, Illinois, Ohio, California, and Texas. One quarter of

the Nation's 168,000 public highway rail grade crossings are located in these five States. They accounted for 38 percent of deaths and 32 percent of injuries caused by vehicle-train collisions nationwide during 1991–93. Overall, about 24 States would receive an increase in section 130 funds for grade crossing improvements under my legislation.

Maximizing the return from Federal funds requires that they be targeted to areas with the greatest risk, like Indiana. In a 1995 report to Congress on the status of efforts to improve railroad crossing safety, the General Accounting Office [GAO] found anomalies among the States in terms of the funds they received in proportion to three key factors: accidents, fatalities, and total crossings.

Through this bill, we have a unique opportunity to maximize existing resources, improve safety at rail crossings, and save lives. The establishment of a new funding formula is an innovative step in that direction and will directly benefit northwest Indiana, which bears the lion's share of rail traffic in Indiana. By targeting funds to States based on accident rates and number of rail crossings, we can put scarce resources to work and use a common sense approach by allocating Federal dollars where the need is greatest.

Given the limited resources available for railroad crossing safety, it is crucial that available funds be targeted to the most cost-effective approaches. The first means to target our limited resources is to change the current method used to apportion section 130 dollars to the States. The legislation I am introducing today will accomplish that. I urge you and all of my House colleagues to support it.

HONORING LUCY CORREA VIERA

HON. BILL BAKER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Mr. BAKER of California. Mr. Chairman, when a young Lucy Correa Viera was 5 years old, she looked forward to walking the 2 miles from her parents' cattle ranch in Clayton, CA, to the small school where she attended class.

That was in 1907, and 7 years later, Lucy left school to work on her family's ranch, without receiving her diploma. Since then, Lucy has lived a full and remarkable life. A successful rancher, a devoted community leader, and a beloved ''Aunt Lucy'' to her many friends, Lucy recently received something she should have gotten long ago: her grammar school diploma. Upon learning she had never received it, Dennis McCormac, a trustee of the Mt. Diablo School District, initiated the movement to help Lucy obtain her diploma. He deserves our thanks for his thoughtful efforts.

Lucy worked as a clerk for and served as a trustee of what was then known as the Clayton School District. She used her education for the betterment of her hometown and its young people. I am extremely pleased to recognize Lucy Correa Viera for her lifetime of giving, and to add my name to the list of her many friends who join in recognizing this wonderful woman.

TRIBUTE TO MERLE BAGLEY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Mr. TOWNS. Mr. Speaker, I am pleased to recognize Mrs. Merle Bagley for her contribution to the Brooklyn community. Mrs. Bagley migrated to New York from North Carolina in the 1960's. Her life's work has revolved around her dedication to children, not only her own, but society's children. She has successfully raised 10 children, a major accomplishment in itself. But equally important is the community work she has done on behalf of the Bedford-Stuyvesant Youth and Action Board, where she serves as the vice president of the Pacific Street Block Association, and is a member of the Earnestine Grena Senior Citizen Center.

Mrs. Bagley has been involved in community work since her retirement, and has lived in the East New York section of Brooklyn since 1973. She is active in the Linden Houses Tenant Association, and is an appointed member of Planning Board 5 and Area Policy Board 5. Merle Bagley's efforts have enriched the community she lives in and loves, and I am pleased to bring her to the attention of my colleagues.

TRIBUTE TO LT. COL. TIMUR J. EADS

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Mr. DORNAN. Mr. Speaker, today I recognize Lt. Col. Timur J. Eads for his distinguished and exemplary service to the U.S. Army and this great Nation on the occasion of his retirement from active military service. The Army and the military have been a better place for having known Timur Eads. Timur's retirement from the U.S. Army and service to his country will truly be felt. His over-20-years of inspired service has not only made the Army a better place, it has insurmountably enhanced the soldiers, sailors, and airmen who have benefited from his leadership and encouragement. His common sense and concern for the day-to-day welfare of his charges represent the epitome of what military leadership is all about. An officer of the highest ethical and moral standards he took the toughest jobs and succeeded where most fail. As an elite U.S. Army Ranger he truly led the way. Whether shepherding an infantry platoon or directing the operations of a ranger battalion, Timur Eads had what it takes. His service as the deputy director for the Nation's counterdrug effort from U.S. SOUTHCOM in Panama provided such an invaluable service to this Nation, I cannot begin to quantify it.

On a personal note, from all of us in the Congress who have been inspired by his resolute service and dedication, Timur's retirement will truly leave a void on the Hill. During his present tenure with us as the deputy director of Legislative Affairs for the U.S. Special Operations Command, Timur quickly established a solid reputation with members and staff alike for his extensive knowledge of the intricate world of special operations, as well as an insightful perspective into national defense strategy. His unparalleled expertise in the counterdrug environment has been of immeasurable importance to those of us in the Congress who have been dedicated to eliminating the courage of illicit drugs from the streets and neighbors of this fair land. His wit and charisma have made an indelible impact on us. Timur has aided us immeasurably in our day-to-day operations. His credibility and candor made him an invaluable resource.

I have had the pleasure of traveling with Timur on numerous occasions and like the old adage ''I won't go anywhere without him'' he has always, proved invaluable. When I had a sensitive and time critical trip to Bosnia, during the crux of the escalation of the United States led air effort, it was Timur Eads whom I called upon to make it happen. In the challenging arena of international travel, he has a way of making the difficult look effortless and the impossible a reality. He has earned our trust, our respect, and our gratitude. Because of Timur's credibility and goodwill, the Special Operations Command, its CINC—Gen. Wayne Downing and the Department of Defense have reaped enormous benefits from his tenure on the Hill.

The colleagues and I bid Lt. Col. Timur Eads, his lovely wife Cathy, and his exceptional daughters Nicole, Jessica, and Amanda, a fond farewell—they are truly a remarkable American family. Well done, Tim, but certainly expected from the son of an Army Air Force P–38 ''Lightning'' fighter pilot.

IN TRIBUTE AND MEMORY OF ADOLPH WEIL, JR.

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Mr. EVERETT. Mr. Speaker, I rise today to pay tribute to one of Montgomery's finest citizens and premiere member of the business community.

Mr. Adolph Weil, Jr., passed away on December 12, 1995, and is survived by his wife, Jean, his three children, Jan Katherine Weil, Dr. Lauri Weil, and Adolph Weil III, and his five grandchildren.

Mr. Weil was a veteran of World War II where he attained the rank of captain, before returning home to the family business. Mr. Weil, one of the principals of Weil Brothers Cotton, Inc., became known in Montgomery for his generous support for local endeavors. His philanthropic efforts were not well known, because he gave for the sake of giving, not accolades. He and his brother, Bobby, shared the Montgomery Advertiser Citizen of the Year Award in 1994.

Mr. Weil was heavily involved in many forms of public service, including the Montgomery Area United Way, Jewish Federation of Montgomery, Temple Beth-Or, American Cotton Shipper Association, Atlantic Cotton Association, YMCA, and the Children's Center.

Mr. Speaker, we will greatly miss Mr. Weil and his charitable efforts; I ask that the eulogy for Mr. Weil delivered by Rabbi David Baylinson be included in the RECORD following my remarks.

EULOGY FOR ADOLPH WEIL, JR.

(DELIVERED BY RABBI DAVID A. BAYLINSON)

We are gathered this noon, shocked and sadden by the sudden loss of one beloved to

a myriad of people. We gather this noon to pay our last earthly respect and tokens of love to Adolph Weil, Jr.

To paraphrase the words of King David at the time of his sorrow: ''Know ye not that there is a prince and a great man fallen this day in our community?''

Bucks was a gentleman and a gentle man with few peers.

First and foremost was Jean, the love of his life. Indeed, a more beautiful love affair is not found even in the pages of a novel. Their lives were intertwined always. Now we pray that her heart will be filled with beautiful memories to bring her a measure of comfort.

And his family * * * Children who not only loved him but also respected him. Children who admired him and learned from him the highest degree of ethics and their responsibility to the community. They and we all were taught by him that living is giving.

You, his grandchildren * * * Do you know what a sparkle you put in his eyes every time he mentioned your name? And what a sense of pride you put into his heart because you loved him? His life was fuller because you were * * * because you wanted to be * * * such an integral part of his life. Your love of him only testifies to his loving kindness and beauty of character.

Bucks was a devoted and caring brother, working so closely these many years with his brother, and he was a devoted and caring brother to his sisters. He was a brother, a friend, a partner.

So close, too, to all his family members, wherever they lived and always enjoying being with them on special occasions.

You, gathered here this noon, testify to a warmth of friendship, wider then any embrace could hold, and a respect for a man who has earned that respect throughout his life.

So much has been said and printed these past few days about what Bucks has done for the community and his many achievements. For Bucks this was what was supposed to be as he gauged his life by the words of the poet, Browning: ''Ah, but a man's reach should exceed his grasp, or what's a heaven for?''

Bucks lived by the teachings of his faith and by the words of the prophet, Micah, he quoted so often: ''And now, O Israel, what does the Lord require of thee? Only to do justice, to love mercy, and to walk humbly with they God.''

Forgive us please, Bucks, for all of this praise. It is never your wish or your style. Please understand that it helps us to alleviate some of our grief and helps to heal our broken hearts.

We are all richer because Bucks was among us, and we are all the poorer because his life on earth has been taken from us.

Yet, after the tears of separation have been shed, and after the shock of the sudden loss has been absorbed, there is a void to be filled, and we, we alone, can in some measure, large or small, fill that void, the psalmist has told us: ''We bring our years to an end as a tale that is told''

The story of Bucks' life is one of love, friendship, service, leadership and concern for others. We can honour that memory best by giving of ourselves as he gave of himself, of learning to love without conditions, of extending our hands in true warmth of friendship, of acts of loving kindness that that is commonly called ''charity.'' For Bucks it was always an act of loving kindness.

Bucks wrote his book of life in beautiful verse. Now it is the task of the living to live up to the standards he set and take up the challenge. His soul is immortal, his memory eternal, is love without earthly bounds.

''Good night, sweet prince. And flights of angels sing thee to thy rest.''

REPUBLICAN MEDICARE BILL WILL COST SENIORS $6.8 BILLION IN EXTRA DOCTOR CHARGES

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Mr. STARK. Mr. Speaker, the Republican Medicare bill will cost the Nation's seniors an extra $6.8 billion per year in doctor's bills. This is the same rate of balance billing we had before 1985, the year that Congress started to encourage doctors not to charge seniors extra. A return to this previous level of balance billing will cost the Nation's seniors at least $6.8 billion extra per year.

The Republican Medicare bill allows doctors to set up fee-for-service plans with no limit on how much can be charged. It allows HMO's to extra bill for the basic package of Medicare services. It permits specialists outside of a beneficiary's managed care plan to charge unlimited amounts. Those who elect the Medical Savings Account option will also lose all protection against the-sky's-the-limit billings. The Republican plan reduces payments for traditional Medicare programs to the point doctors will switch to new systems that allow unlimited fees.

Beginning in 1985, Congress passed a series of laws designed to encourage doctors to accept as payment in full the amount proposed by Medicare. As a result, Medicare beneficiary liability for excessive doctors' bills fell from $2.8 billion in 1985 to $1.3 billion in 1992. In current 1995 dollars, that is a decline from $5.5 billion to $1.5 billion. When you factor in the growth in Medicare and assume a return to the old ratio of balance billing, you get $8.3 billion in extra charges. Subtract the current $1.5 billion in extra billing, and you have an additional cost of $6.8 billion from the Republican plan.

Seniors have been paying less out of pocket for medical bills in recent years, because assignment rates—the number of doctors who accept the Medicare fee as payment in full—has gone up, from 70 percent in 1986 to 92 percent in 1993. Balance billing—charging seniors more than the Medicare fee schedule—has also declined dramatically. When a senior goes to a doctor, he or she doesn't have to pay more than 20 percent—the coinsurance—of a set fee. There are no extra charges.

The Republican bill changes all that.

The GOP returns to the rate of extra charges existing in 1985. This will increase costs to seniors $6.8 billion per year, or an increase of $187 per senior in out of pocket expenses. The Republicans will also charge seniors $120 more per year in part B premiums. Put the two together, and seniors will see an increase over the Clinton budget of $614 a couple.

Managed care should be encouraged. Medicare currently offers many choices of managed care plans to seniors. We should not return to wallet biopsies and price gouging.

Whatever Medicare changes are made, we should preserve the limits on doctors' extra charges.

TRIBUTE TO MAE POWELL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Mr. TOWNS. Mr. Speaker, Mae Powell of Brooklyn is an exceptional human being and educator. Born in North Carolina, Mae has resided in New York most of her life. She is a graduate of Brooklyn College, and currently serves as a special education teacher in district 13. Mae has been an educator for over 30 years. An innovative educator, she subscribes to the shared learning approach.

Mae's colleagues have elected her to serve as a U.F.T. union delegate and as district screening committee member for the selection of school administrators. A crowning achievement in Mae's portfolio is her dedication to fostering the entrepreneurial abilities of young people.

Mae is the mother of three children and four grandchildren, and embodies the attributes of academic achievement, community service and professional dedication. I am pleased to recognize her selfless efforts.

A SPECIAL TRIBUTE TO LEONARD FALCE

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Mr. BARCIA. Mr. Speaker, a picture captures a moment in time, whether traumatic or exhilarating, momentous or trivial. A single photograph can cause emotional heartbreak or outfelt joy. A compilation of photographs can create a history for our family, or our country. Photographers who take these pictures work tireless hours to capture just the right moment.

I rise today to pay tribute to one such photographer. Leonard Falce who has spent 39 years with the Bay City Times as staff and chief photographer and photo editor, is retiring this month. Leonard has had a career filled with award-winning photography and has had a strong impact on aspiring photographers.

Born in Brooklyn and raised in the Bronx and Hell's Kitchen area's of New York City, Leonard served his country for 4 years in the U.S. Army. He began his exemplary photography career as a photographer's assistant with the Tommy Weber Studio in New York. Following a stint with the United Press International Newspictures in New York City, he was appointed as the newspictures manager in Madison, WI. While in Wisconsin, he covered the State capitol and many celebrities, including poet Carl Sanburg, Architect Frank Lloyd Wright, and controversial Senator Joe McCarthy.

His professionalism and keen eye ignited his passion for creating prize-winning images. One of his most notable photographs was while he worked in Fort Wayne, IN, for Carl Hartup at the Fort Wayne News Sentinel, in 1955. He photographed a virtually unknown musician, Elvis Presley.

In 1957, Leonard moved to the Bay City Times where he has earned several recognitions for his exceptional work. Shortly after he started, Leonard and the newsroom staff were

awarded a Pulitzer Prize for its coverage of the Capitol Airlines crash at Tri-City Airport which killed 47 people. This commitment to excellence led to additional awards by the Michigan Press Association. Additionally, he led several technological changes, during his tenure with the Bay City Times, including facilitating the switch from large format cameras to 35mm in the 1950's and launching a photo darkroom redesign in 1974.

Leonard shares his enthusiasm for photography with others in his field and has served as a mentor to many future successful photographers including members of the Saginaw News, the Detroit Free Press, and the Muskegon Chronicle. He will continue to photograph during his retirement and will continue to touch aspiring photographers.

He could not have had such a successful career and fulfilled life without the support of his wife, Jean, of 34 years. Both gourmet cooks, Leonard and Jean collaborated on a food illustration for the Times and won awards for those photos. They have two daughters, Julie and Maria, and three grandchildren.

I urge my colleagues to join me in commending Leonard Falce for his outstanding career and wishing Leonard and his family health and happiness as he enters his retirement.

CONGRATULATIONS ON A SPECIAL SILVER ANNIVERSARY

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Mr. PAYNE of New Jersey. Mr. Speaker, I would like to call to the attention of my colleagues here in the U.S. House of Representatives a very special event, the 25th Newark Teen Arts Festival, a display of visual and performing arts by the students in the Newark Public Schools Secondary Program.

This annual event, which will be held on March 9, is a cooperative effort of the Newark Public Schools—Office of Art, Office of Music Education, and the Junior League of Montclair-Newark, Inc., which has sponsored the festival from its inception in 1971.

During this silver anniversary celebration, student artworks will be exhibited in the Mutual Benefit Life Community Gallery. Highlighted will be a selection of the crafts, drawings, graphics, photographs, paintings, and sculptures created by students in the senior high schools. The performing arts portion will feature varied vocalists, musical and choral selections, showcasing the talent of Newark's secondary youth.

During the 24 years of the Newark Teen Arts Festival, the Newark Museum has exhibited more than 3,000 secondary student visual artworks and hosted the high school performances of over 100 musicians, dancers, vocalists, choral groups, and plays.

The festival brings the local community together in a wonderful spirit of cultural appreciation and enjoyment.

As the representative of Newark and Montclair, I am proud of the accomplishments of these fine young people, and I applaud the work of the Junior League in making this annual event possible. Mr. Speaker, I know my colleagues join me in sending our congratulations on this special silver anniversary and our best wishes for continued success.

COMMEMORATING BLACK HISTORY MONTH

SPEECH OF

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1996

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, since 1976, February has been celebrated as Black History Month, but the origins of this event date back to 1926, when Dr. Carter G. Woodson set aside a special period of time in February to recognize the heritage, achievements, and contributions of African-Americans.

I want to extend greetings to all of you who are celebrating Black History Month during this important time of renewal and reflection for our country.

History has its own power and black women more than ever before need its truths to challenge hateful assumptions, negative stereotypes, myths, lies, and distortions about our own role in the progress of time.

Black women need to know the contradictions and ironies that our unique status presents to a country founded on the proposition that all men are created equal and endowed with the inalienable rights of life, liberty, and opportunity to pursue happiness.

Brave Texas women have used violence, stealth, the legal system, and political strategies to protect themselves and their loved ones. While the private lives of most black women occur within their family settings, those stories remain closed to the public eye.

This evening I would like to highlight not only the trials and tribulations but the bold and creative initiatives black women of Texas have made and contributed to this society.

Women have traditionally tended their families, friends, and neighbors, but around 1900 nursing became professionalized. Mrs. Mary Keys Gibson was among the first southern blacks to receive a nursing certificate from an accredited school, the Chautauqua School of Nursing in Jamestown, NY, in 1907.

Nursing was not taken seriously as a profession in Texas until 1909, when the Texas Graduate Nurses Association persuaded the legislature to pass licensing standards and procedures. By 1912, approximately 65 hospitals existed in the United States, including 6 in Texas.

The Wright Cuney Memorial Nurse Training School was located in Dallas. Mrs. C.H. Graves opened her home to the sick in Temple in 1916. Later, as a nurse, she founded the Memorial Colored Hospital, which operated until the 1950's.

Miss Annie Mae Mathis of Austin was possibly the first African-American on the staff of the Texas State Board of Health. Hired in 1922, she was the first black maternity and infancy nurse in the bureau of child hygiene. Over the next few years, she addressed thousands of white women at Methodist conferences, published an article on ''Negro Public Health Nursing in Texas,'' and surveyed 500 homes in Houston County in 1934.

She recruited black school teachers and midwives to try to improve conditions. In other communities, she organized adult health classes, clinics, and instruction for midwives.

Federal legislation, beginning with the Civil Rights Act of 1964, has helped to raise the glass ceiling for black women. In Texas, they took advantage of each opportunity presented—to get out of the domestic labor ghetto and into white-collar and professional jobs, to use their educational opportunities to enter politics, and to make the process work for their objectives.

Like our predecessors, black women of the nineties continue to pursue not only our continued advancement, but the objectives involving the next generation and the preservation and extension of their history and culture. In addition, a goal of this generation of black women is solidarity with other disadvantaged groups.

While racism is far from ended and the economic battle for racial and gender parity is not yet won, many black women are respected leaders who improve the quality of Texas and help shape the future of the State.

Judging by black Texas women's lengthy and admirable history of trials and triumphs, the transformation of the world is underway. The strong women are coming, it is indeed our time.

TRIBUTE TO ROSE ZUZWORSKY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Mr. TOWNS. Mr. Speaker, I want to commend Dr. Rose Zuzworsky for combining personal and community activism with her deep religious convictions. Rose has been a resident of Cypress Hills for 30 years. She began her community involvement in Blessed Sacrament Parish. She serves on several advisory committees including the pastor's advisory council, and is the chairperson of the environment subcommittee of the Cypress Hills Community Coalition.

Rose's interest in environmental concerns is both personal and professional. Dr. Zuzworsky has worked closely with a number of religious organizations and coalitions, and has been a guest lecturer to academic and community groups. In recent years she has volunteered in the recycling division of the department of sanitation. In 1992 she participated in the Earth Summit in Rio De Janeiro.

There is no doubt that Rose's theological training greatly influences her philosophy relative to the environment, as evidenced by her doctoral dissertation which examined the theological and practical dimensions of environmental concerns. The world needs more people to take up the cause of environmental protection, and I am pleased to have her as an ally in that cause.

CONFERENCE REPORT ON S. 652, TELECOMMUNICATIONS ACT OF 1996

SPEECH OF

HON. BILL PAXON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1996

Mr. PAXON. Mr. Speaker, the conference agreement provides that, in order for a Bell operating company to receive in-region interLATA relief, either the company must have entered into an interconnection agreement contemplated under section 271(c)(1)(A) with a facilities-based carrier or, if there has been no request for such an agreement, must have provided the statement of interconnection terms contemplated under section 271(c)(1)(B) (approved by a State under section 252(f)). Either the agreement or the statement must meet the requirements of section 271(c)(2)(B), which itemizes the competitive checklist, and must include each of the items in the checklist.

The purpose of these provisions is to ensure that a new competitor has the ability to obtain any of the items from the checklist that the competitor wants. It is very possible that every new competitor will not want every item on that list. In such cases, the legislation would not require the Bell operating company to actually provide every item to a new competitor under the agreement contemplated in section 271(c)(1)(A) in order to obtain in-region relief.

Under these circumstances, the Bell operating company would satisfy its obligations by demonstrating, by means of a statement similar to that required by section 271(c)(1)(B), how and under what terms it would make those items available to that competitor and others when and if they are requested. It would be entirely appropriate under this legislation for the Federal Communications Commission to determine under section 271(d)(3)(A) that the Bell operating company has fully implemented the competitive checklist.

Quite simply, Congress did not intend to permit the Bell operating companies' competitors to delay their entry into the in-region interLATA market by refusing to include checklist items in the interconnection agreements. Refusal for such reasons would not constitute good-faith negotiations by the competitors. Where the Bell operating company has offered to include all of the checklist items in an interconnection agreement and has stated its willingness to offer them to others, the Bell operating company has done all that can be asked of it and, assuming it has satisfied the other requirements for in-region interLATA relief, the Commission should approve the Bell operating company's application for that relief.

AGRICULTURAL MARKET TRANSITION ACT

SPEECH OF

HON. DAVID FUNDERBURK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1996

Mr. FUNDERBURK. Mr. Speaker, once again North Carolina's version of the Washington Post, the Raleigh News & Observer has it wrong. In a recent editorial they called for the end of an important program for hard-working farmers of eastern North Carolina. They endorsed the elimination of the peanut program and they give as the reason the supposed increased benefit to the consumer. This could not be further from the truth. Peanuts and peanut products sell for more in Canada and Europe than in the United States. This is true even though those manufacturers purchase peanuts on the world market. Peanut farmers will suffer substantially if the proposal to eliminate the peanut program passes. The lost revenue in the first year will exceed $275 million. It has been argued that the farmers' losses will be transferred into savings for the consumer, but this will not happen. Lower input cost for the manufacturer will be retained and not passed on to the consumer. The importance of the peanut program in North Carolina cannot be overstated. Agriculture is our most basic industry. The House has recognized that changes in past policies were needed. But it also recognized that changes must be gradual in order to minimize hardships and at the same time insure the health of this most important industry.

FLORIDA AIR NATIONAL GUARD ON DUTY IN CUBAN CRISIS

HON. TILLIE K. FOWLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Mrs. FOWLER. Mr. Speaker, the destruction of two unarmed civilian aircraft from the group ''Brothers to the Rescue'' and killing of four pilots has again focused our attention on the Castro regime's criminal behavior. I am pleased that the international community has responded swiftly to these horrible misdeeds.

I would note that even as our Government, the Congress, and the Security Council were working to fashion their political responses, the men and women of the Florida Air National Guard were on heightened alert status in defense of our national interests. Following the shoot-downs, Jacksonville-based F–15's of the 125th fighter wing, supported by the unit's C–26 operational support aircraft, redeployed to Homestead Air Reserve Base in South Florida. There they joined a detachment of the 125th that is on alert 365 days a year to assure protection of our Nation's airspace and perform the combat air patrol mission.

The air guard's speedy response to the Castro dictatorship's crimes is a tribute to the dedication and professionalism of our guard forces. We owe them all a debt of gratitude.

TRIBUTE TO JACQUELINE CHARITY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Mr. TOWNS. Mr. Speaker, I am pleased to recognize Jacqueline Charity, who serves as deputy director for access and compliance with the New York City Board of Education, for her years of service. Ms. Charity has amassed an impressive résumé of selfless service in the cause of educating young people. She has been directly responsible for programs targeted at talented and gifted students, in addition to her outstanding supervision of the College Bound Program. Recognizing that it is essential for students to be competitive in math and sciences, Ms. Charity undertook the challenge to establish a math-science program at Stuyvesant High School.

Jacqueline attended primary and secondary school in Brooklyn, and received her undergraduate degree from Brooklyn College, and her masters degree from New York University.

A devoted mother and wife, Jackie finds the time to provide extensive community service in her church and for numerous civic organizations. Among her numerous awards is recognition from the Jack and Jill organization and the YWCA. Jacqueline maintains her spiritual center by serving as a eucharistic minister/lay reader at St. Phillips Episcopal Church. I am pleased to be able to bring the accomplishment of this noted Brooklyn educator to the attention of my colleagues.

COMMEMORATING COMPOSER-CONDUCTOR MORTON GOULD

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Mr. COBLE. Mr. Speaker, I rise to commemorate Morton Gould, the great composer, conductor, and recording artist who died on February 21 at the age of 82.

Gould's contributions included significant works for orchestra, chamber ensemble, band, chorus and soloists, as well as scores composed for film, television, Broadway, and ballet. Throughout his career, Gould's work was characterized as particularly American, integrating the elements of jazz, blues, spirituals, and folk music.

He was born on December 10, 1913 in Richmond Hill, NY. As a child prodigy, he composed and published his first work at age 6. Growing up during the throes of the Great Depression, Gould supported his family by working as a vaudeville pianist.

His music has been commissioned by symphony orchestras, the Library of Congress, the New York City Ballet, and the American Ballet Theatre. Gould's work has been performed worldwide by a number of prominent conductors.

He received the Kennedy Center Honor in 1994 and the Pulitzer Prize in Music the following year. Elected to the American Academy of Arts and Letters in 1986, Gould received 12 Grammy nominations and a Grammy award in 1966. He conducted more than 100 albums on three different recording labels.

Finally, Mr. Speaker, Gould was a great friend of the intellectual property community as an active participant in many ASCAP and ASCAP Foundation programs. A tireless advocate for new American composers, he was constantly seeking opportunities to expose their work. Gould also served with distinction on the Board of the American Symphony Orchestra League and on the National Endowment for the Arts Music Panel.

Mr. Speaker, Morton Gould was a great American artist whose talents and contributions to our national culture will be missed. I

join my colleagues in acknowledging his accomplishments. We extend our sympathies to his family.

THE 110TH CELEBRATION OF GROUNDHOG DAY

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Mr. CLINGER. Mr. Speaker, it is with great pleasure that I rise in honor of the 110th celebration of Groundhog Day, February 2, 1996. Although it is almost 4 weeks late I am pleased to announce only 2 more weeks of winter left according to the 1996 proclamation.

1996 GROUNDHOG DAY PROCLAMATION

Punxsutawney Phil, King of Groundhogs, Seer of Seers, the Omniscient Marmot, Weather Forcaster Without Peer has responded to his annual summons at 07:28 this February 2, 1996.

As he sat upon his regal stump, he greeted the throng of anxious well-wishers ''Happy Groundhog Day.'' After brief observation and contemplation he spoke in Groundhogese which was quickly interpretated to read:

I'm sorry to have to say
On this Groundhog Day
As I looked around
My shadow I found
When my shadow I do see,
Six more weeks of winter there must be.

However, I think that even Punxsutawney Phil, burrowed deep below the icy frost of winter at Gobbler's Knob, engaged in fun and frolic as we enjoyed the taste of spring this past week. May I say in all confidence, that Phil be true to his word and that March will ''come in like a lion and go out like a lamb,'' to put an end to this bitter cold winter.

COMMEMORATING BLACK HISTORY MONTH

SPEECH OF

HON. BARBARA-ROSE COLLINS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1996

Miss COLLINS of Michigan. Mr. Speaker, we, as African-American citizens are on the verge of having our civil and economic rights readjusted to a degree that will seriously test our faith—both in ourselves as a people and in our American Government. Not since the 19th century—in the wake of reconstruction—has the U.S. Government been so determined to renege on every last pledge and promise that it made in the name of equality for all Americans.

After 300 years of so-called emancipation, America has failed to live up to its founding creed that ''All men are created equal.'' Although significant strides were made during the civil rights era, some Members of Congress are determined to devise new laws and customs in order to maintain the status quo. As in the past, in order, for us to combat this rising tide, we must never yield to their oppressive tactics. We must never forget that the African-American spirit can never be broken.

Black history month is always a special time to honor the contributions and achievements of African-American men and woman. This year, however, I want to specially focus on the extraordinary examples of courage displayed by dynamic African-American women throughout our history.

The courage and conviction of African-American woman such as Sojourner Truth will never be forgotten. As a fierce opponent of slavery, Sojourner Truth, spoke before huge crowds deep in the Ante-bellum South, preaching against white supremacy—all the while, Sojourner Truth never even knew if she would live to complete the speech.

Another great example is Harriet Tubman, who not only escaped from slavery herself, but ventured back into the slave States over 20 times to free more than 300 of our brothers and sisters.

It was Mary McLeon Bethune, who blazed the trail for future black appointees to high-level government positions by becoming the first black woman to be a White House appointee.

There was also Ida B. Wells, who at great personal risk, let the crusade against lynchings in Tennessee and cofounded the NAACP.

Daisy Gibson Bates is another example of African-American courage. As a newspaper editor, Ms. Bates fought throughout her career against racial injustice. However, it was her leadership in the 1955 struggle for Arkansas school integration that gave her national prominence. As president for the Arkansas chapter of the NAACP, she led the way in publicly criticizing the State Governor for his refusal to admit nine African-American students to all all-white high school.

As a direct consequence, her life became a legendary nightmare of arrest, abuse, and intimidation. In addition to forcing her newspaper out of business, racist whites routinely vandalized her home and burned crosses on her lawn. Yet, this remarkable black woman never yielded to the oppression.

Fannie Lou Hamer is another outstanding example. As the founder and chairwoman of the Mississippi Freedom Democratic Party, Ms. Hamer created an alternative to the all white Democratic Party. Ms. Hamer's struggle against the racist white establishment in Mississippi was nothing short of heroic. For her efforts, she was made the object of assassination attempts, unlawful arrests, and torture. Despite these incredible odds, Ms. Hamer persisted—and in 1964, she became the first African-American woman to run for Congress from Mississippi. By 1968, she was formally seated at the National Democratic Convention in Chicago. All because she was sick and tired of being sick and tired. Her famous statement is still used today to verbalize frustration with the system.

Coretta Scott King is an example of a courageous African-American woman. After her husband was slain, she made a swift transition from dedicated wife and parent to a dynamic civil rights and peace crusader in her own right. She was a leading figure in the American antiapartheid movement and founded the Martin Luther King, Jr., Center for Nonviolent Social Change in Atlanta, GA.

Another example of African-American determination is C. Dolores Tucker, the first African-American Secretary of State for the Commonwealth of Pennsylvania. Long active in civil rights, Ms. Tucker participated in the 1965 White House Conference on Civil Rights. She was a founding member of the National Women's Caucus, a cofounder of the National Black Women's Political Caucus. During her time as Pennsylvania's Secretary of State, from 1971 to 1977, she was the highest ranking African-American in State government in the country.

Another example is the Honorable Shirley Chisolm, the first African-American woman elected to the U.S. Congress. Congresswoman Chisolm was also the first African-American woman to make a serious bid for President of the United States.

Another dynamic African-American pioneer is Dorothy Height, whose legendary leadership skills created many powerful organizations in the service of equal rights and justice. As president and executive board member of Delta Sigma Theta, Ms. Height succeeded in making the sorority more a global organization. Dorothy Height's work with the Young Women's Christian Association [YWCA] led to its integration. As president of the National Council for Negro Women, Ms. Height has vastly expanded its reach and influence to include over 240 local groups and 31 national organizations—all striving toward the universal equality of women of color.

As we celebrate black history month, it is imperative that we continue the strides of the remarkable African-Americans who have gone before us. In so doing, we must especially remember those sisters who have shaped history. We are great descendants of great people who had the courage, the wisdom, and the fortitude, to face unsurmountable challenges. We come from the world's prime stock. So impressive is our true heritage that massive efforts have been made in the attempt to destroy all knowledge of our history. That is why each and every day, we must continue the struggle and guard against any attempts to dismantle our strong foundation.

EXPIRING TAX PROVISIONS MUST BE RENEWED

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Mrs. JOHNSON of Connecticut. Mr. Speaker, my Ways and Means colleague, BOB MATSUI, and I today have introduced a bill to extend the lives of several important tax provisions that expired last year.

We have done this to encourage support for prompt consideration and expeditious enactment of tax provisions affecting research and development, orphan drugs, and employer-provided educational expenses, among others. If tax payers are to meet their obligations by April 15, it is imperative that we act quickly to reinstate these effective programs.

Extension of the so-called expiring provisions was included in the Balanced Budget Act of 1995, legislation that was vetoed for reasons unrelated to these specific tax items. We believe that these targeted tax provisions serve a critical role in enhancing economic growth and long-term job creation. Just as importantly, various loophole closers were identified in the Balanced Budget Act to pay for these extensions.

In addition to the narrow tax credits for R&D, orphan drug research, nonconventional fuels research, and work opportunities for disadvantaged citizens, we call attention to the importance of continued favorable tax treatment for employer-provided educational expenses. This popular, low-cost inducement for working people to enhance their educational credentials and move up the economic ladder has now been moribund since December 31, 1994, causing many program beneficiaries considerable inconvenience as tax time approaches.

The measure also restores reasonable incentives for taxpayers to make gifts of publicly traded stock to charitable institutions, a particularly worthwhile mechanism at a time of great need for charitable giving. The bill also extends section 120 benefits regarding group legal services and makes permanent the FUTA exemption for alien agricultural workers.

The importance of these expired tax provisions to various segments of taxpayers—from folks suffering from rare diseases to landfill owners wishing to create clean-burning energy from their property—cannot be understated and we urge our colleagues to give them the priority they deserve.

TRIBUTE TO LYNDA DIANNE CURTIS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 29, 1996

Mr. TOWNS. Mr. Speaker, all of us are concerned about quality health care, and fortunately the citizens of New York City have Lynda Dianne Curtis working to provide them with top flight service. Lynda is a native New Yorker. She received her undergraduate degree from the State University of New York [SUNY] at Buffalo, and her masters degree in special education and learning disabilities from Fordham University.

Ms. Curtis began her professional career at Sydenham Neighborhood Family Care Center [NFCC]. She has held numerous positions of responsibility, including her current position as executive director of the Cumberland Diagnostic and Treatment Center in Brooklyn. During her tenure the center has extended clinic hours, increased the number of patients attended to by physicians, and improved the physical plant facility.

Lynda's hard work has often been recognized, including awards such as the Community Service Volunteers Award, the Renaissance Community Service Award, and the Black Agency's Founders' Award. Clearly, Lynda's record of service and delivery of health care is commendable. I am happy to introduce my House colleagues to Lynda Dianne Curtis.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S1399–S1475

Measures Introduced: Five bills and three resolutions were introduced, as follows: S. 1580–1584, and S. Res. 228–230. **Page S1455**

Measures Passed:

Condemning Terror Attacks in Israel: Senate agreed to S. Res. 228, condemning terror attacks in Israel. **Pages S1470–71**

Commemorating Black History Month: Senate agreed to S. Res. 229, commemorating Black History Month and the contributions of African-American U.S. Senators. **Pages S1471–74**

Heroism By Black Americans: Senate agreed to S. Res. 230, to urge the President to announce at the earliest opportunity the results of the Senior Army Decorations Board which reviewed certain cases of gallantry and heroism by black Americans during World War II. **Pages S1474–75**

D.C. Appropriations—Conference Report: Senate resumed consideration of the conference report on H.R. 2546, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1996. **Pages S1403–07**

During consideration of this measure today, Senate took the following action:

By 52 yeas to 42 nays (Vote No. 21), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate failed to agree to close further debate on the conference report. **Pages S1406–07**

A third motion was entered to close further debate on the conference report and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on the cloture motion will occur on Tuesday, March 5, 1996. **Page S1407**

Cuban Liberty and Democratic Solidarity Act Conference Report—Agreement: A unanimous-consent agreement was reached providing for the consideration of the conference report on H.R. 927, to seek international sanctions against the Castro Government in Cuba, and to plan for support of a transition government leading to a democratically elected government in Cuba, on Tuesday, March 5, 1996, with a vote to occur thereon. **Page S1468**

Removal of Injunction of Secrecy: The injunction of secrecy was removed from the following treaty:

Investment Treaty with Uzbekistan. (Treaty Doc. No. 104–25).

The treaty was transmitted to the Senate on Wednesday, February 28, 1996, considered as having been read for the first time, and referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed. **Pages S1469–70**

Nominations Confirmed: Senate confirmed the following nominations: Barry R. McCaffrey, of Washington, to be Director of National Drug Control Policy.

19 Air Force nominations in the rank of general.

1 Army nomination in the rank of general.

1 Marine Corps nomination in the rank of general.

4 Navy nominations in the rank of admiral.

Routine lists in the Air Force, Army, Navy. **Pages S1425–27, S1469, S1475**

Messages From the House: **Page S1454**

Measures Placed on Calendar: **Page S1454**

Communications: **Pages S1454–55**

Executive Reports of Committees: **Page S1455**

Statements on Introduced Bills: **Pages S1455–61**

Additional Cosponsors: **Pages S1461–62**

Notices of Hearings: **Page S1463**

Authority for Committees: **Pages S1463–64**

Additional Statements: **Pages S1464–68**

Record Votes: One record vote was taken today. (Total–21) **Page S1407**

Recess: Senate convened at 11 a.m., and recessed at 7:57 p.m., until 11 a.m., on Monday, March 4, 1996, for a pro forma session.

Committee Meetings

(Committees not listed did not meet)

ENVIRONMENTAL PROTECTION AGENCY REFORM

Committee on Appropriations: Subcommittee on VA, HUD, and Independent Agencies concluded hearings to review the status of recommendations made by the National Academy of Public Administration on reforming the Environmental Protection Agency, after receiving testimony from Frederic James Hansen, Deputy Administrator, Environmental Protection Agency; Genevieve Matanowski, Chair, Environmental Protection Agency Science Advisory Board; Mary Gade, Illinois Environmental Protection Agency, Springfield; Charles Williams, Minnesota Pollution Control Agency, St. Paul; and William D. Ruckelshaus, Browning-Ferris Industries, former Administrator of the Environmental Protection Agency, Timothy Mohin, Intel Corporation, and Randy Farmer, Amoco, all of Washington, D.C.

GOVERNORS PROPOSAL ON WELFARE AND MEDICAID

Committee on Finance: Committee continued hearings on the bipartisan National Governors' Association proposals to reform the Federal Medicaid and welfare programs, receiving testimony from Robert B. Carleson, former U.S. Commissioner of Welfare, Arlington, Virginia; Sheldon Danziger, University of Michigan, Ann Arbor; Fred Kammer, Catholic Charities USA, Alexandria, Virginia; Heidi H. Stirrup, Christian Coalition, and Robert D. Reischauer, The Brookings Institution, both of Washington, D.C.; John C. Goodman, National Center for Policy Analysis, Dallas, Texas; Louis F. Rossiter, Virginia Commonwealth University, Richmond; and James R. Tallon, Jr., Kaiser Commission on the Future of Medicaid, New York, New York.

Hearings were recessed subject to call.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following business items:

The nomination of Barry R. McCaffrey, of Washington, to be Director of National Drug Control Policy;

H.R. 782, to allow members of employee associations to represent their views before the United States Government, with an amendment in the nature of a substitute; and

S. Res. 219, designating March 25, 1996 as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy".

Also, committee began consideration of S. 269, to increase control over immigration to the United States by increasing border patrol and investigator personnel, improving the verification system for employer sanctions, increasing penalties for alien smuggling and for document fraud, reforming asylum, exclusion, and deportation law and procedures, instituting a land border user fee, and to reduce use of welfare by aliens, and S. 1394, to reform the legal immigration of immigrants and nonimmigrants to the United States, but did not complete action thereon, and will meet again on Thursday, March 7.

SECRETARY OF SENATE/SGT AT ARMS/ ARCHITECT OPERATIONS

Committee on Rules and Administration: Committee held hearings to review the fiscal year 1997 budget and operations of the Secretary of the Senate, Senate Sergeant at Arms, and Architect of the Capitol, and on the establishment of a criteria for the selection of a new Architect of the Capitol, receiving testimony from Kelly D. Johnston, Secretary of the Senate; Howard O. Greene, Jr., Senate Sergeant at Arms; William L. Ensign, Acting Architect of the Capitol; Paul S. Rundquist, Specialist in Congressional Organization and Operations, Congressional Research Service, Library of Congress; and Raj Barr-Kumar, Raj Barr-Kumar Architects Engineers, on behalf of the American Institute of Architects, Washington, D.C.

Hearings were recessed subject to call.

INTELLIGENCE

Select Committee on Intelligence: Committee met in closed session to receive a briefing on intelligence matters from officials of the intelligence community.

Committee will meet again on Wednesday, March 6.

House of Representatives

Chamber Action

Bills Introduced: 11 public bills, H.R. 2991–3001; and 1 resolution, H. Res. 369 were introduced.

Page H1635

Reports Filed: Reports were filed as follows:

H. Res. 368, providing for the consideration of H.R. 994, to require the periodic review and automatic termination of Federal regulations (H. Rept. 104–464);

H.R. 2778, to provide that members of the Armed Forces performing services for the peacekeeping effort in the Republic of Bosnia and Herzegovina shall be entitled to certain tax benefits in the same manner as if such services were performed in a combat zone, amended (H. Rept. 104–465); and

H.R. 2853, to authorize the extension of nondiscriminatory treatment (most-favored-nation-treatment) to the products of Bulgaria (H. Rept. 104–466). **Page H1635**

Committees to Sit: The following committees and their subcommittees received permission to sit today during proceedings of the House under the five-minute rule: Banking and Financial Services, Commerce, Economic and Educational Opportunities, Government Reform and Oversight, International Relations, Judiciary, National Security, Resources, Science, and Transportation and Infrastructure.

Page H1509

Agriculture Market Transition Act: By a yea-and-nay vote of 270 yeas to 155 nays, Roll No. 42, the House passed H.R. 2854, to modify the operation of certain agriculture programs. **Pages H1509–75**

Agreed to the committee amendment in the nature of a substitute made in order by the rule.

Page H1548

Rejected the Stenholm motion as modified, that sought to recommit the bill to the Committee on Agriculture with instructions to report it back forthwith containing language including establishing a system of fixed but declining payments to farmers in lieu of traditional subsidies; reauthorizing the Federal sugar and peanut programs; reauthorizing various Federal agricultural conservation programs by establishing several new USDA conservation initiatives; excluding language providing for revisions to the dairy program and retaining the permanent agriculture law of 1949 (rejected by a yea-and-nay vote of 156 yeas to 267 nays, Roll No. 41).

Pages H1548–75

Earlier, a point of order was sustained against language in the motion that sought to extend certain nutrition programs for seven years. **Page H1572**

Agree To:

The Boehlert amendment that requires the Secretary of Agriculture to establish an environmental conservation acreage reserve program designed to protect environmentally sensitive land, and improve farm management and operation, while preserving profitability for farmers (agreed to by a recorded vote of 372 ayes to 37 noes, Roll No. 370);

Pages H1509–16

The Roth amendment that reauthorizes certain food aid programs that facilitate economic development for developing nations and permits the Secretary of Agriculture to receive assistance from the Foreign Agricultural Service; **Pages H1516–29**

The Foley amendment that authorizes $200 million for land acquisition in the Everglades for the purpose of environmental restoration (agreed to by a recorded vote of 299 ayes to 124 noes, Roll No. 39); and **Pages H1533–38**

The Traficant amendment that requires individuals to purchase only American-made equipment and products when expending Federal agriculture funds.

Page H1539

Rejected:

The Dooley amendment that sought to reserve $1.9 billion over seven years from funding authorized for market transition contracts to allow the Secretary of Agriculture to award grants which foster the development of progressive food production methods which increase domestic competitiveness abroad; facilitate the development of new products; and increase domestic long-term productivity while encouraging environmentally sound farming practices (rejected by a recorded vote of 163 ayes to 260 noes, Roll No. 38); and **Pages H1530–33**

The Stenholm en bloc amendment that sought to strike provisions repealing the permanent agricultural law of 1949; to authorize the USDA to spend up to $3.5 billion to conduct rural development, conservation, research, education, and extension activities; and to establish the loan rate for oilseeds at 85 percent of the average price over the last five years, excluding the highest and lowest years (rejected by a recorded vote of 163 ayes to 258 noes, Roll No. 40). **Pages H1539–46**

The following amendments were offered, but subsequently withdrawn:

The Livingston amendment that would have made all fees collected and spent from agriculture quarantine inspection activities in fiscal year 1996 to fiscal year 2002 subject to appropriation; and

Pages H1529–30

The Livingston amendment that would have made the Livestock Environmental Assistance Program subject to appropriation. **Page H1529**

The Clerk was authorized to make technical corrections, including corrections in spelling, punctuation, section numbering, and cross-referencing as may be necessary in the engrossment of the bill.

Page H1576

Product Liability Litigation: By a yea-and-nay vote of 256 yeas to 142 nays, Roll No. 43, the House agreed to the Conyers motion that the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the Senate amendment to H.R. 956, to establish legal standards and procedures for product liability litigation, be instructed to insist on the provisions of section 107 of the House bill. **Pages H1576–82**

Coast Guard Authorization: House passed S. 1004, to authorize appropriations for the United States Coast Guard.

Agreed to the Coble motion to strike out all after the enacting clause and insert in lieu thereof the text of H.R. 1361.

House then insisted on its amendment to S. 1004 and asked a conference. Appointed as conferees:

From the Committee on Transportation and Infrastructure, for consideration of the Senate bill and the House amendment, and modifications committed to conference: Representatives Shuster, Young of Alaska, Coble, Fowler, Baker of California, Oberstar, Clement, and Poshard.

From the Committee on the Judiciary, for consideration of section 901 of the Senate bill, and section 430 of the House amendment, and modifications committed to conference: Representatives Hyde, McCollum, and Conyers. **Pages H1582–H1618**

Legislative Program: Representative Hastert, as a designee of the Majority Leader, announced the legislative program for the week of March 4. Agreed to adjourn from Thursday to Monday. **Pages H1618–19**

Calendar Wednesday: Agreed to dispense with Calendar Wednesday business of March 6. **Page H1619**

Meeting Hour: Agreed to meet at 2 p.m. on Monday, March 4. **Page H1619**

Late Report: Conferees received permission to have until 5 p.m. on Friday, March 1 to file a conference report on H.R. 927, to seek international sanctions against the Castro government in Cuba, to plan for support of a transition government leading to a democratically elected government in Cuba.

Pages H1619–20

Lobbyists: The compilation by the Clerk of the House and the Secretary of the Senate of all new registrations and reports for the fourth calendar quarter of 1995, and reports for the third calendar quarter of 1995 received too late to be previously published, that were filed by persons engaged in lobbying activities appear in this issue of the Congressional Record. **Pages HL1–96**

Amendments Ordered Printed: Amendments ordered printed pursuant to the rule appear on pages H1636–41.

Quorum Calls—Votes: Three yea-and-nay votes and four recorded votes developed during the proceedings of the House today and appear on pages H1515–16, H1532–33, H1538, H1545–46, H1574–75, H1575, and H1582. There were no quorum calls.

Adjournment: Met at 9 a.m. and adjourned at 6:18 p.m.

Committee Meetings

ENERGY AND WATER APPROPRIATIONS

Committee on Appropriations: Subcommittee on Energy and Water continued appropriation hearings. Testimony was heard from congressional and public witnesses.

LABOR-HHS-EDUCATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education continued appropriation hearings. Testimony was heard from public witnesses.

LEGISLATIVE APPROPRIATIONS

Committee on Appropriations: Subcommittee on Legislative held a hearing on the Joint Committee on Taxation and the GAO. Testimony was heard from Representative Archer; and the following officials of the GAO: Charles Bowsher, Comptroller General; James Hinchman, Special Assistant to the Comptroller General; Gene Dodaro, Assistant Comptroller General, Operations; and Richard Brown, Controller.

MILITARY CONSTRUCTION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Military Construction held a hearing on Quality of Life in the Military. Testimony was heard from the following Senior Service Enlisted Advisors, Department of Defense: Gene McKinney, USA; John Hagan,

USN; Louis Lee, USMC; and Dana Kampanell, USAF.

TRANSPORTATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Transportation continued appropriation hearings. Testimony was heard from congressional and public witnesses.

RURAL CREDIT

Committee on Banking and Financial Services: Subcommittee on Capital Markets, Securities and Government Sponsored Enterprises held a hearing on Rural Credit. Testimony was heard from Mark Drabenstott, Vice President and Economist, Federal Reserve Bank of Kansas City, Federal Reserve System; Clarence W. Hawkins, Mayor, Bastrop, Louisiana; and public witnesses.

CANCER PATIENT ACCESS—UNAPPROVED TREATMENTS

Committee on Commerce: Subcommittee on Oversight and Investigations held a hearing on Cancer Patient Access to Unapproved Treatments. Testimony was heard from Representative Defazio; and public witnesses.

PUBLIC BROADCASTING SELF-SUFFICIENCY ACT

Committee on Commerce: Subcommittee on Telecommunications and Finance held a hearing on H.R. 2979, Public Broadcasting Self-Sufficiency Act of 1996. Testimony was heard from Richard W. Carson, President and CEO, Corporation for Public Broadcasting; and public witnesses.

FEDERAL CONTRACT COMPLIANCE PROGRAMS AND EQUAL OPPORTUNITY ACT

Committee on Economic and Educational Opportunities: Subcommittee on Employer-Employee Relations held a hearing on the Office of Federal Contract Compliance Programs and H.R. 2138, Equal Opportunity Act of 1995. Testimony was heard from public witnesses.

CENSUS 2000

Committee on Government Reform and Oversight: Held a hearing on Census 2000: Putting Our Money Where It Counts. Testimony was heard from Senator Kohl; Representatives Sawyer and Petri; and public witnesses.

TENANT INITIATIVE PROGRAMS

Committee on Government Reform and Oversight: Subcommittee on Human Resources and Intergovernmental Relations held a hearing on HUD's Management of Tenant Initiative Programs. Testimony was heard from the following officials of the Department of Housing and Urban Development: Susan Gaffney, Inspector General; Patricia Arnaudo, Deputy Director, Program Development; and Kevin Marchman, Acting Assistant Secretary, Public and Indian Housing; Ed Moses, Deputy Executive Director, Community Relations and Involvement, Housing Authority, Chicago, Illinois; Miguel Rodriguez, Executive Director, Public Housing Authority, Puerto Rico; and a public witness.

CUBAN DOWNING OF UNITED STATES CIVILIAN AIRCRAFT

Committee on International Relations: Held a hearing on the Shoot Down of U.S. Civilian Aircraft by Castro Regime. Testimony was heard from Peter Tarnoff, Under Secretary, Political Affairs, Department of State; and public witnesses.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Subcommittee on Commercial and Administrative Law approved for full Committee action the following measures: H.J. Res. 129, granting consent of Congress to the Vermont-New Hampshire Interstate Public Water Supply Compact; H.R. 2604, Bankruptcy Judgeship Act of 1995; and H.R. 2977, Administrative Dispute Resolution Act of 1996.

Prior to this action, the Subcommittee held a hearing on H.J. Res. 129. Testimony was heard from Representatives Bass and Sanders.

INDEPENDENT COUNSEL REFORM

Committee on the Judiciary: Subcommittee on Crime held a hearing on the Independent Counsel Statute and H.R. 892, Independent Counsel Accountability and Reform Act of 1995. Testimony was heard from Representatives Hyde and Dickey; Joseph E. diGenova, former Independent Counsel; Abner Mikva, former White House Counsel and U.S. Circuit Judge (rtd.); Lawrence Walsh, former Independent Counsel and U.S. District Judge (rtd.); David Clark, Director, Audit, Oversight and Liaison, GAO; Melvin J. Bryson, Jr., Chief, Administrative Services Office, Administrative Office of the United States Courts; John C. Keney, Acting Assistant Attorney General, Department of Justice; and a public witness.

WHITE HOUSE TRAVEL OFFICE

Committee on the Judiciary: Subcommittee on Immigration and Claims approved for full Committee action H.R. 2937, for the reimbursement of legal expenses and related fees incurred by former employees of the White House Travel Office with respect to the termination of their employment in that Office on May 19, 1993.

BALLISTIC MISSILE DEFENSE

Committee on National Security: Subcommittee on Military Research and Development met to discuss Ballistic Missile Defense.

INTERNATIONAL DOLPHIN PROTECTION

Committee on Resources: Subcommittee on Fisheries, Wildlife and Oceans held a hearing on H.R. 2823, International Dolphin Conservation Act and H.R. 2856, International Dolphin Protection and Consumer Information Act of 1995. Testimony was heard from Senators Biden and Boxer; Representatives Cunningham and Bilbray; Timothy Wirth, Under Secretary, Global Affairs, Department of State; the following officials of the Department of Commerce: Douglas K. Hall, Assistant Secretary, Oceans and Atmosphere and Deputy Administrator, NOAA; and Elizabeth Edwards, Leader, Dolphin Safe Research Program, Southwest Fisheries Science Center, National Marine Fisheries Service; and public witnesses.

OVERSIGHT—RENEWABLE RESOURCES PLANNING ACT PROGRAM

Committee on Resources: Subcommittee on National Parks, Forests and Lands held an oversight hearing on the Forest Service's Draft 1995 Renewable Resources Planning Act Program. Testimony was heard from David Unger, Associate Chief, Forest Service, USDA; and public witnesses.

REGULATORY SUNSET REVIEW ACT

Committee on Rules: Granted, by voice vote, an open rule providing 1 hour of debate on H.R. 994, Regulatory Sunset and Review Act of 1995, to be equally divided by the chairmen and ranking minority members of the Committees on Government Reform and Oversight and the Judiciary. The rule makes the amendment in the nature of a substitute by Representative Hyde printed in the Congressional Record on February 29 as amendment numbered 1 in order as an original bill for the purposes of amendment.

The rule provides that the amendment in the nature of a substitute be considered by title, and that the first section and each title shall be considered as read, and waives points of order against the amendment in the nature of a substitute for failure to comply with clause 7 of rule XVI (germaneness). The rule accords priority in recognition to Members who have preprinted their amendment in the Congressional Record. The rule provides one motion to recommit with or without instructions.

The rule vacates action by which the House amended and passed S. 219. The rule provides that it be in order to take from the Speaker's table and consider the Senate bill. The rule allows for a motion to be offered by Chairman Clinger that the House strike all after the enacting clause of the Senate bill and insert the text of H.R. 994 as passed by the House. The rule allows 1 hour of debate on the motion to be equally divided and controlled between the chairman and ranking minority member of the Committee on Government Reform and Oversight, waives germaneness point of order against the motion, and allows one motion to commit. Finally, the rule provides that if the motion to amend is adopted, then it shall be in order to move that the House insist on its amendments and request a conference with the Senate. Testimony was heard from Chairman Clinger; and Representatives Gekas, Meyers of Kansas, and Chapman.

NATIONAL WEATHER SERVICE MODERNIZATION

Committee on Science: Subcommittee on Energy and Environment held a hearing on National Weather Service Modernization Program Status. Testimony was heard from the following officials of the Department of Commerce: D. James Baker, Administrator, NOAA and Under Secretary for Oceans and Atmosphere; and Frank DeGeorge, Inspector General; Jack L. Brock, Jr., Director, Information Resources Management, Resources, Community, and Economic Development, GAO; and a public witness.

COMMITTEE BUSINESS

Committee on Standards of Official Conduct: Met in executive session to consider pending business.

AIRPORT IMPROVEMENT PROGRAM—AIRPORT PRIVATIZATION

Committee on Transportation and Infrastructure: Subcommittee on Aviation held a hearing on Airport Improvement Program, with emphasis on Airport Privatization. Testimony was heard from Gerald L. Dillingham, Associate Director, Transportation Issues, Resources, Community, and Economic Development Division, GAO; Gerald Fitzgerald, Director, Aviation Department, The Port Authority of New York and New Jersey; and public witnesses.

Hearings continue March 7.

HOSPITAL INSURANCE TRUST FUND—FINANCIAL REVIEW

Committee on Ways and Means: Held a hearing to review the current financial condition of the Federal Hospital Insurance Trust Fund. Testimony was heard from Robert E. Rubin, Secretary of the Treasury; Donna E. Shalala, Secretary, Health and Human Services; and Sarah F. Jaggar, Director, Health Financing and Policy Issues Division, GAO.

Joint Meetings

CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY ACT

Conferees on Wednesday, February 28, agreed to file a conference report on H.R. 927, to seek international sanctions against the Castro Government in Cuba, and to plan for support of a transition government leading to a democratically elected government in Cuba.

FOREIGN RELATIONS AUTHORIZATION ACT

Conferees met to resolve the differences between the Senate- and House-passed versions of H.R. 1561, to consolidate the foreign affairs agencies of the United States; to authorize appropriations for the Department of State and related agencies for fiscal years 1996 and 1997; and to responsibly reduce the authorizations of appropriations for the United States foreign assistance programs for fiscal years 1996 and 1997, but did not complete action thereon, and will meet again on Tuesday, March 5.

COMMITTEE MEETINGS FOR FRIDAY, MARCH 1, 1996

(Committee meetings are open unless otherwise indicated)

Senate

No meetings are scheduled.

CONGRESSIONAL PROGRAM AHEAD

Week of March 4 through 9, 1996

Senate Chamber

On *Monday,* Senate will meet in pro forma session.

On *Tuesday,* Senate will consider the conference report on H.R. 927, Cuban Liberty and Democratic Solidarity Act, and the conference report on H.R. 2546, D.C. Appropriations, with a vote on the conference report on H.R. 927 to occur at 2:15 p.m., following which a cloture vote on the conference report on H.R. 2546 will occur thereon.

During the balance of the week, Senate may consider S. Res. 227, relative to the Whitewater investigation, and consider any cleared legislative and executive business.

(Senate will recess from 12:30 p.m. until 2:15 p.m., on Tuesday, March 5, 1996, for respective party conferences.)

House Chamber

Monday, No legislative business is scheduled;

Tuesday, Consideration of 3 Suspensions:

1. H.R. 2778, Special tax treatment to U.S. troops in Bosnia;
2. H.R. 2853, Most favored nation status to Bulgaria; and
3. H.R. 497, National Gambling Impact and Policy Commission Act.

Wednesday and the balance of the week, Consideration of the following measures:

H.R. 994, Small Business Growth and Administrative Accountability Act;

Conference report on H.R. 927, Cuban Liberty and Democratic Solidarity Act;

A measure to increase temporarily the public debt; and

An omnibus appropriations or continuing resolution for fiscal year 1996.

NOTE:—Conference reports may be brought up at any time. Any further program will be announced later.

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Appropriations: March 5, Subcommittee on Labor, Health and Human Services, and Education, to hold hearings to examine possible solutions to the budget impasse for Labor, Health and Education programs, 8:30 a.m., SD–192.

March 6, Subcommittee on Defense, to hold hearings on proposed budget estimates for fiscal year 1997 for the Department of Defense, 9:30 a.m., SD–192.

Committee on Armed Services: March 5, to hold hearings on proposed legislation authorizing funds for fiscal year 1997 for the Department of Defense and the future years defense program, 9:30 a.m., SD–G50.

March 6, Full Committee, to hold hearings on the 1996 Ballistic Missile Defense update review, 9:30 a.m., SD–G50.

Committee on the Budget: March 6, to hold hearings to review the current state of the U.S. economy, 10 a.m., SD–608.

Committee on Energy and Natural Resources: March 5, to hold hearings on the nominations of Thomas Paul Grumbly, of Virginia, to be Under Secretary of Energy, Alvin L. Alm, of Virginia, to be an Assistant Secretary of Energy (Environmental Management), and Charles William Burton, of Texas, and Christopher M. Coburn, of Ohio, each to be a Member of the Board of Directors of the United States Enrichment Corporation, 9:30 a.m., SD–366.

March 6, Full Committee, to hold oversight hearings on issues relating to competitive change in the electric power industry, 9:30 a.m., SD–366.

March 7, Subcommittee on Parks, Historic Preservation and Recreation, to hold hearings on S. 745, to require the National Park Service to eradicate brucellosis afflicting the bison in Yellowstone National Park, S. 796 and H.R. 238, bills to provide for the protection of wild horses within the Ozark National Scenic Riverways, Missouri, and prohibit the removal of such horses, and S.

1451, to authorize an agreement between the Secretary of the Interior and a State providing for the continued operation by State employees of national parks in the State during any period in which the National Park Service is unable to maintain the normal level of park operations, 9:30 a.m., SD–366.

March 7, Subcommittee on Forests and Public Land Management, to hold hearings on S. 393 and H.R. 924, bills to prohibit the Secretary of Agriculture from transferring any national forest system lands in the Angeles National Forest in California out of Federal ownership for use as a solid waste landfill, 1 p.m., SD–366.

Committee on Foreign Relations: March 6, to hold hearings on the nomination of Rita Derrick Hayes, of Maryland, for the rank of Ambassador during her tenure of service as Chief Textile Negotiator, 10 a.m., SD–419.

March 6, Subcommittee on Near Eastern and South Asian Affairs, to hold hearings to examine religious freedom in Pakistan, 2 p.m., SD–419.

March 7, Full Committee, to hold hearings on the Convention on Chemical Weapons, 10 a.m., SD–419.

Committee on Governmental Affairs: March 5, to hold hearings on S. 1376, to terminate unnecessary and inequitable Federal corporate subsidies, 9:30 a.m., SD–342.

March 6, Full Committee, to hold joint hearings with the House Government Reform Committee to examine the implementation of the Government Performance and Results Act, 9:30 a.m., 2154 Rayburn Building.

March 7, Full Committee, to resume hearings on S. 356, to declare English as the official language of the Government of the United States, 9:30 a.m., SD–342.

March 8, Subcommittee on Oversight of Government Management and The District of Columbia, to hold hearings to examine the oversight of government-wide travel management, 9:30 a.m., SD–342.

Committee on the Judiciary: March 5, to hold oversight hearings on the implementation of the Drug Price Competition and Patent Term Restoration Act, 10 a.m., SD–226.

March 6, Full Committee, to hold hearings to examine the interstate transportation of human pathogens, 10 a.m., SD–2226.

March 7, Full Committee, business meeting, to consider pending calendar business, 10 a.m., SD–226.

Committee on Labor and Human Resources: March 4, business meeting, to resume mark up of S. 1423, to amend the Occupational Safety and Health Act of 1970 to make modifications to certain provisions, and to consider pending nominations, 9:30 a.m., SD–430.

March 6 and 7, Full Committee, to hold hearings on proposed legislation authorizing funds for the National Institutes of Health, 9:30 a.m., SD–430.

March 8, Full Committee, to hold hearings on S. 553, to amend the Age Discrimination in Employment Act of 1967 to reinstate an exemption for certain bona fide hiring and retirement plans applicable to State and local firefighters and law enforcement officers, 9:30 a.m., SD–430.

Committee on Veterans' Affairs: March 5, to hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Veterans of Foreign Wars, 9:30 a.m., 345 Cannon Building.

Select Committee on Intelligence: March 6, to hold hearings to examine the role and mission of U.S. intelligence, 9 a.m., SD–106.

March 7, Full Committee, to hold a closed briefing on intelligence matters, 2 p.m., SH–219.

Special Committee on Aging: March 6, to hold hearings to examine telemarketing scams that target the elderly, 9:30 a.m., SD–562.

House Committees

Committee on Agriculture, March 5, to consider H.R. 2202, Immigration in the National Interest Act of 1995, 10 a.m., 1300 Longworth.

Committee on Appropriations, March 5, 6, and 7, Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, on congressional and public witnesses, 1 p.m., 2362A Rayburn.

March 5 and 6, Subcommittee on Energy and Water Development, on congressional and public witnesses, 10 a.m. and 2 p.m., on March 5 and 9:30 a.m., and 2 p.m., on March 6, 2362B Rayburn.

March 5, 6, and 7, Subcommittee on Labor, Health and Human Services, and Education, on public witnesses, 10 a.m. and 2 p.m., 2358 Rayburn.

March 5, Subcommittee on Legislative, on Joint Committee on Printing and GPO, 9:30 a.m., and on Library of Congress, 1:30 p.m., H–144 Capitol.

March 6, Subcommittee on the District of Columbia, on Financial Status of D.C., 10 a.m., 2360 Rayburn.

March 6, Subcommittee on Foreign Operations, Export Financing and Related Program, on Jordan Arms Transfers, 1:30 p.m., H–140 Capitol.

March 6, Subcommittee on the Interior, on National Endowments for the Humanities, 10 a.m., B–308 Rayburn.

March 6, Subcommittee on Legislative, on Members of Congress, Office of Compliance, and public witnesses, 9:30 a.m., H–144 Capitol.

March 6, Subcommittee on Military Construction, on Army, 9:30 a.m., B–300 Rayburn.

March 6, Subcommittee on Transportation, on Inspector General Reports, 10 a.m., 2358 Rayburn.

March 6, Subcommittee on Treasury, Postal Service and General Government, on issues in Treasury Law Enforcement, 10 a.m., 345 Cannon.

March 6, Subcommittee on VA, HUD and Independent Agencies, on NSF, 10 a.m., H–143 Capitol.

March 7, Subcommittee on the Interior, public witnesses on Department of Energy and other programs, 10 a.m. and 1:30 p.m., B–308 Rayburn.

March 7, Subcommittee on Military Construction, on Air Force, 9:30 a.m., B–300 Rayburn.

March 7, Subcommittee on National Security, on fiscal year 1997 Defense Budget, 9:30 a.m., 2360 Rayburn.

March 7, Subcommittee on Transportation, on GAO, 10 a.m., and on National Transportation Safety Board, 2 p.m., 2358 Rayburn.

Committee on Banking and Financial Services, March 7, Subcommittee on Domestic and International Monetary

Policy, to continue hearings on the Future of Money, Part III, 10 a.m., 2128 Rayburn.

Committee on the Budget, March 5, hearing on Federalism, 10 a.m., 210 Cannon.

March 7, hearing on Corporate Welfare, 11 a.m., 210 Cannon.

Committee on Commerce, March 6, to continue hearings on the Unanimous Bipartisan National Governors Association Agreement, 1 p.m., 2123 Rayburn.

March 7, Subcommittee on Health and Environment, hearing on Health Care Reform: Reforming the Small Business Marketplace and the Individual Health Insurance Market, 10 a.m., 2322 Rayburn.

March 8, Subcommittee on Oversight and Investigations, to continue hearings on the Department of Energy: Travel Expenditures and Related Issues, 9:30 a.m., 2322 Rayburn.

Committee on Economic and Educational Opportunities, March 6, to mark up the following: H.R. 995, ERISA Targeted Health Insurance Reform Act of 1995; and Congressional Accountability Act Regulations, 9:30 a.m., 2175 Rayburn.

March 7, Subcommittee on Early Childhood, Youth, and Families, hearing on Individuals with Disabilities Education Act, 10 a.m., 2175 Rayburn.

Committee on Government Reform and Oversight, March 5, Subcommittee on Civil Service, to mark up sections 356 and 523 of H.R. 2202, Immigration in the National Interest Act, 2 p.m., 2247 Rayburn.

March 6, Subcommittee on Government Management, Information, and Technology, oversight hearing on IRS Financial Management, 1:30 p.m., 311 Cannon.

March 7, Subcommittee on the District of Columbia, hearing on the Financial and Management Status of the District of Columbia, 1:30 p.m., 2154 Rayburn.

Committee on International Relations, March 5, Subcommittee on the Western Hemisphere, hearing on Violations of the United States Embargo on Cuba, 2 p.m., 2175 Rayburn.

March 7, Subcommittee on the Western Hemisphere, hearing to review the Administration's certification program for Narcotics producing and transit countries in Latin America, 2 p.m., 2172 Rayburn.

Committee on the Judiciary, March 6, Subcommittee on the Constitution, hearing on H.J. Res. 159, proposing an amendment to the Constitution of the United States to require two-thirds majorities for bills increasing taxes, 10 a.m., 2226 Rayburn.

March 6, Subcommittee on Crime, hearing on the increased use of marijuana in America, 9:30 a.m., 2237 Rayburn.

March 7, Subcommittee on Crime, hearing on minor and miscellaneous bills, 10 a.m., 2141 Rayburn.

March 8, Subcommittee on Courts and Intellectual Property, hearing on the following bills: H.R. 1659, Patent and Trademark Office Corporation Act of 1995; and H.R. 2553, United States Intellectual Property Organization Act of 1995, 10 a.m., 2226 Rayburn.

Committee on National Security, March 5, Subcommittee on Military Research and Development, to begin hearings on the fiscal year 1997 national defense authorization request, 2 p.m., 2118 Rayburn.

March 5, Special Oversight Panel on the Merchant Marine, to begin hearings on the fiscal year 1997 Panama Canal Commission and U.S. Maritime Administration authorization requests, 10 a.m., 2212 Rayburn.

March 6, full Committee, to begin hearings on the fiscal year 1997 national defense authorization request, 9:30 a.m., 2118 Rayburn.

March 7, Subcommittee on Military Installations and Facilities, hearing on alternative authorities for construction and improvement of military housing, 2 p.m., 2216 Rayburn.

March 7, Subcommittee on Military Personnel, to begin hearings on the fiscal year 1996 national defense authorization request, 2 p.m., 2212 Rayburn.

March 7 and 8, Subcommittee on Military Procurement and the Subcommittee on Military Research and Development, joint hearings on the fiscal year 1997 national defense authorization request, 10 a.m., on March 7 and 9:30 a.m., on March 8, 2118 Rayburn.

March 8, Subcommittee on Military Installations and Facilities, to begin hearings on the fiscal year 1997 national defense authorization request, 10 a.m., 2212 Rayburn.

Committee on Resources, March 5, Subcommittee on National Parks, Forests and Lands, hearing on H.R. 2941, Housing Improvement Act for Land Management Agencies, 10 a.m., 1324 Longworth.

March 6, full Committee, hearing on the following: a measure to resolve certain conveyances under the Alaska Native Claims Settlement Act related to Cape Fox Corporation; H.R. 2505, to amend the Alaska Native Claims Settlement Act to make certain clarifications to the land bank protection provisions; and H.R. 1786, to regulate fishing in certain waters of Alaska, 11 a.m., 1324 Longworth.

March 7, Subcommittee on Energy and Minerals Resources, hearing on H.R. 1813, Mineral Management Service Organic Act, 2 p.m., 1324 Longworth.

March 7, Subcommittee on Water and Power Resources, oversight hearing on dam safety and deferred maintenance issues at Bureau of Reclamation facilities, 10 a.m., 1334 Longworth.

Committee on Science, March 6, hearing on Global Change Research Programs: Data Collection and Scientific Priorities, 10 a.m., 2318 Rayburn.

March 7, Subcommittee on Energy and Environment, hearing on Department of Energy's Restructured Fusion Energy Sciences Program, 9:30 a.m., 2318 Rayburn.

Committee on Small Business, March 6, hearing on assessing the Small Business Technology Transfer Pilot Program and Small Business Innovation Research Program, 10 a.m., 2359 Rayburn.

March 7, hearing on EPA's Progress in Reducing Unnecessary Regulations and Paperwork Burdens Upon Small Business, 2 p.m., 2359 Rayburn.

March 7, Subcommittee on Regulation and Paperwork, hearing on rulemaking at the NLRB, 10 a.m., 2359 Rayburn.

Committee on Transportation and Infrastructure, March 5, Subcommittee on Railroads, hearing on Rail Safety Oversight: Human Factors and Grade Crossing Issues, 1 p.m., 2167 Rayburn.

March 6, Subcommittee on Aviation and the Subcommittee on Railroads, joint hearing on reauthorizing the National Transportation Safety Board, 1 p.m., 2167 Rayburn.

March 6, Subcommittee on Water Resources and Environment, to mark up H.R. 2747, Water Supply Infrastructure Assistance Act of 1995, 10 a.m., 2167 Rayburn.

March 7, Subcommittee on Aviation, to continue hearings on the Airport Improvement Program, with emphasis on revenue diversion, 10 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, March 7, Subcommittee on Education, Training, Employment and Housing, oversight hearing on the Montgomery GI Bill, 9 a.m., 334 Cannon.

Permanent Select Committee on Intelligence, March 5, Subcommittee on Human Intelligence, Analysis, and Counterintelligence, executive, hearing on Counterterrorism, 2 p.m., H–405 Capitol.

March 6, full committee, Brown/Rudman briefing, 10:30 a.m., 2212 Rayburn.

March 7, executive, hearing on China, 10 a.m., H–405 Capitol.

Joint Meetings

Joint Economic Committee: March 8, to hold hearings to examine the employment-unemployment situation for February, 9:30 a.m., SD–106.

Conferees: March 5, on H.R. 1561, to consolidate the foreign affairs agencies of the United States; to authorize appropriations for the Department of State and related agencies for fiscal years 1996 and 1997; and to responsibly reduce the authorizations of appropriations for the United States foreign assistance programs for fiscal years 1996 and 1997, 10 a.m., S–116, Capitol.

Joint hearing: March 5, Senate Committee on Veterans' Affairs, to hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Veterans of Foreign Wars, 9:30 a.m., 345 Cannon Building.

Joint hearing: March 6, Senate Committee on Governmental Affairs, to hold joint hearings with the House Government Reform Committee to examine the implementation of the Government Performance and Results Act, 9:30 a.m., 2154 Rayburn Building.

Commission on Security and Cooperation in Europe: March 6, to hold hearings on the Chechen conflict and Russian democratic development, 10 a.m., 2200 Rayburn Building.

Next Meeting of the SENATE

11 a.m., Monday, March 4

Senate Chamber

Program for Monday: Senate will meet in pro forma session.

Next Meeting of the HOUSE OF REPRESENTATIVES

2 p.m., Monday, March 4

House Chamber

Program for Monday: No legislative business is scheduled.

Extensions of Remarks, as inserted in this issue

HOUSE

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